

TRANSCRIPT OF PROCEEDINGS

UNITED STATES SENATE

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IMPEACHMENT TRIAL COMMITTEE

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IMPEACHMENT OF JUDGE G. THOMAS PORTEOUS, JR.

PRE-TRIAL DEPOSITION OF LOUIS MARCOTTE

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Washington, D.C.

August 2, 2010

IMPEACHMENT OF G. THOMAS PORTEUS, JR.
PRE-TRIAL DEPOSITION OF LOUIS MARCOTTE,
CLOSED HEARING

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MONDAY, AUGUST 2, 2010

United States Senate,
Impeachment Trial Committee,
Washington, D.C.

The pre-trial deposition of Louis Marcotte convened at 9:04 a.m., in Room SD-215, Russell Senate Office Building, Hon. Orrin Hatch, Vice Chairman of the committee, presiding.

Present: Senator Hatch, Vice Chairman; Congressman Schiff, House Managers; Philip Tahtakran, counsel for Congressman Schiff; Mark Dubester, counsel for House Managers; Jonathan Turley, Counsel for Respondent; P.J. Meitl, counsel for Respondent; Martin Regan, Attorney for Deponent.

Staff Present: Patricia Bryan, Senate Legal Counsel; Lake Dishman, Professional Staff Member, Impeachment Trial Committee; Justin Kim, Counsel, Senate Impeachment Trial Committee; Erin Johnson, Chief Clerk, Senate Impeachment Trial Committee; Thomas L. Jipping, Counsel for Senator Hatch and Staff Director, Senate Impeachment Trial Committee.

SENATOR HATCH: In the matter of the impeachment of Judge J. Thomas Porteous, Jr., the Senate Impeachment Trial Committee has authorized this pretrial examination at the request of Judge Porteous. Before swearing in the witness for this examination, why don't each of us introduce ourselves for the record. I am Senator Orrin Hatch, Vice Chairman of the committee.

MR. JIPPING: Tom Jipping, counsel for Mr. Hatch.

MR. DUBESTER: Mark Dubester, D-u-b-e-s-t-e-r, and I work for the House Impeachment Task Force.

THE WITNESS: I'm Louis Marcotte.

MR. TURLEY: Jonathan Turley. It's T-u-r-l-e-y, and I am counsel for Judge Porteous.

MR. MEITL: P.J. Meitl, M-e-i-t-l, and I'm counsel for Judge Porteous as well.

MR. PAHTAKRAN: I'm Philip Tahtakran, counsel for Congressman Schiff.

CONGRESSMAN SCHIFF: Representative Adam Schiff, House managers.

MR. DISHMAN: Lake Dishman with the Impeachment Trial Committee.

MS. BRYAN: Patricia Bryan with the Office

of Senate Legal Counsel.

MR. KIM: Justin Kim, counsel to the Senate Impeachment Trial Committee.

MS. JOHNSON: Erin Johnson with the Senate Impeachment Trial Committee.

SENATOR HATCH: The witness at the pretrial examination is Louis Marcotte. Mr. Marcotte, I would like you to please rise and raise your right hand for the administration of the oath. Do you swear or affirm under penalty of perjury that the testimony you shall give shall be the truth, the whole truth and nothing but the truth so help you God?

THE WITNESS: Yes, I do.

SENATOR HATCH: As the parties have already been informed, the examination will last up to three hours, no more than that. It is my intention that counsel for the House of Representatives will have the final 20 to 30 minutes. So that means counsel for Mr. Marcotte will have the first allotted time. Now, I would appreciate counsel's cooperation in that division of time. I expect to continue right through the time, divided as I just described, but if the witness needs a short break, just let me know.

THE WITNESS: Sometimes I have to use the bathroom a lot.

SENATOR HATCH: That's right. I understand. Also unlike ordinary depositions you may be accustomed to, I highly discourage objections about the form of the question or questions. Unless the question is actually confusing to the witness, I'm not going to sustain such objections. I expect this to run without a lot of rancor, without a lot of difficulty. And if the court reporter is ready, why don't we just begin.

MR. TURLEY: Thank you, Senator Hatch.

EXAMINATION BY COUNSEL FOR JUDGE PORTEOUS

BY MR. TURLEY:

Q. Thank you, Mr. Marcotte. I want to note for the record that your attorney has not appeared yet but are you comfortable in proceeding at this point?

A. Yes, I am.

Q. And can you give me your attorney's name for the record?

A. His name is Martin Regan.

Q. And can you spell his last name?

A. R-e-g-a-n.

Q. And he is planning to be here this

morning?

A. Yes, he is. I mean, he was here with me. I just don't know. Maybe he's in -- I don't know. Maybe something happened in the hotel room but this is very unlike him.

Q. Sure. Mr. Marcotte, have you been deposed before?

A. Yes, I have.

Q. I'm going to skip a lot of the usual preparatory depositional instructions since you've done it before but I would like to emphasize two things. One is if you can wait for the question to be finished so that we don't have any confusion as to what you're answering to.

A. Okay.

SENATOR HATCH: And I would appreciate it if you would speak up just a little bit.

THE WITNESS: Yes, sir.

BY MR. TURLEY:

Q. And two, I would like if you would be so kind to verbalize your answers because the court reporter, Mary Grace, is not going to be able to describe your physical reactions.

A. Okay.

Q. I would like to start out with some

threshold questions in this case and the first one is, did you ever give cash directly to Judge Porteous?

A. No, I did not.

Q. Did you ever make campaign contributions to Judge Porteous?

A. No, I did not.

Q. Did you ever set a bond with Judge Porteous after he became a federal judge?

A. I've set bonds after he was confirmed.

Q. I'm talking with Judge Porteous.

A. With Judge Porteous, after he was confirmed.

Q. I want to make sure I understand this. So you had bonds in federal court under Judge Porteous?

A. I guess the question would be once he's confirmed, he's still on a State bench until the Senate votes that he is a Federal judge, so he was confirmed and he's done bonds at that point.

Q. I appreciate that and that's a valid distinction. My question was, after he became a judge, did you have any other bonds with him, after he became a Federal judge?

A. No, I did not.

Q. Thank you. Did you ever give cash to any

other judge?

A. Yes, I gave cash to judges.

Q. And who were those judges?

A. Judge Gucobbie, Alan Green, Roy Cascio, Steve Windhorst, Judge Grant, who made copies of the \$100 bills that I gave her and put it in the folder. So it was like they had that on the record too. She disclosed it in her finance report but it was \$100 bills.

Q. And how about Judge Bodenheimer?

A. Bodenheimer, I gave him a check.

Q. Now --

A. And --

Q. I'm sorry, go ahead.

A. And also Pat McCave. Mr. Dotson who was a justice of the peace. Eugene Fitchue, justice of the peace. I would have the list but there is probably more, too.

Q. Were all of these payments for campaign contributions or were some of them for other things?

A. Well, they were cash payments and they were for campaign contributions. But I guess by giving the cash, me and the judge decided that we didn't want the whole world to know that they were getting cash for a few reasons. Some of the reasons

were, you know, bondsmen across the country, they're not -- I would say they are not -- they're known as being sleazy. So a lot of judges didn't want to take the money and put it on their campaign report, taking money from a bail bondsman. That was one reason. Another reason, the judges wanted to put the money in their pocket instead of putting it in their campaign fund. But there was always a campaign -- I mean, there was always a fund raiser and I always received tickets for the money.

Q. Did you ever pay any judge cash clearly for their personal use?

A. Only one, and that was George Gucobbie. I went to Las Vegas with him and he asked me to borrow five -- that's when I went with Porteous as well. And I roomed with Gucobbie and he asked me to loan him 500 and he never did pay me back.

Q. Any other payments to judges that were given to them as individuals, just as a gift?

A. Without a campaign contribution?

Q. Correct.

A. No. There was one, Juan Perez, he was a justice of the peace and he borrowed \$2,500 from me and I took a promissory note for the 2,500 that I loaned him and he never did pay me back. He actually

lost the election. And I don't know if he would have ever paid me back but I did have a note.

Q. Okay. Let's go back to, when did you start in the bail bonds business?

A. Probably 1979.

Q. And you started as a bail bondsman?

A. Yes, I worked for someone -- well, '78. I worked for someone and then he died and I opened up right across the street from the courthouse and that was my flagship store and that's where I started.

Q. And who was that person you worked for?

A. His name was Adam Hebert.

Q. And Hebert is H-e-b-e-r-t, correct?

A. Yes, sir.

SENATOR HATCH: Let me interrupt for a minute. I'm kind of uncomfortable with you going ahead without your counsel under these circumstances but I hate to not go ahead, too. I mean, we have a right to go ahead.

MR. DISHMAN: We've asked and no one has heard from him. He hasn't checked in here at the Capitol at all. The information desk, the Visitor Center folks haven't heard from him.

THE WITNESS: Then maybe we should -- if something is wrong -- this is not Martin at all.

He's up real early. I mean, maybe something happened in the room, do you know?

MS. BRYAN: Do you have a phone number for him?

THE WITNESS: He had some posts put in his teeth and he was taking Darvocet so I don't know if -- maybe something is wrong with him in the room.

MR. DISHMAN: Were you able to call him?

THE WITNESS: I called his room and I called him about three or four times on the cell phone and he didn't answer.

MR. TURLEY: We would be fine accommodating with delaying, as long as we don't lose the time obviously. But if we don't lose the time, we would be happy to delay it.

MS. BRYAN: Could you give us his cell phone and the hotel room and we could try to get ahold of him?

THE WITNESS: It's 504-554-2369.

MR. DISHMAN: What's the hotel you're staying at?

THE WITNESS: Capital Suites? I don't know, guys.

MR. DISHMAN: Do you have a room card with you?

THE WITNESS: I sure don't.

MR. DISHMAN: We can find that out.

SENATOR HATCH: Let's just delay for just a minute.

MR. DUBESTER: One more possibility is his secretary or legal assistant in New Orleans is always in touch with him by all sorts of secret ways that I can't --

MR. TURLEY: I'm just going to get us off the record. It's now, for the record, 9:15.

MR. KIM: I've been keeping time. You've used just under seven minutes.

MR. TURLEY: Thank you. So we're going to be going off the record at this point in light of the counsel issue.

(Discussion off the record.)

BY MR. TURLEY:

Q. We're going back on the record and once again the witness has indicated that he's prepared to go forward without counsel and we want to reaffirm from our side that we don't want you to feel uncomfortable.

A. No problem.

SENATOR HATCH: And we have made it very clear from the Senate side that we would prefer to

have your counsel here but if you're willing to proceed, we are as well.

THE WITNESS: Okay. I'm ready.

BY MR. TURLEY:

Q. We were talking about Mr. Hebert. You said that you started working around 1978, is that correct?

A. Yes, '78. I worked for him like three years and then he died and then I opened my own office, the flagship office, in Jefferson Parish.

Q. Am I wrong, there was a reference to starting as a janitor in the record. Was that correct?

A. Yes, I started for Mr. Hebert as a janitor.

Q. Was that in 1978?

A. Yes, '78, '79.

Q. So how long were you a janitor then?

A. I cleaned his building and cleaned his office and he said, let me put you in the bond office and see what you can do there.

And I started working there and I did a real good job for him and then he died and I just opened up my own -- I was working for him about a year after that and I knew the business at that point

and then I opened up my own office across from the jail in Jefferson Parish.

Q. So you started in '78 and you worked a couple of years, you said, as a janitor?

A. Janitor/bail bondsman.

Q. Did you know that Mr. Hebert would regularly take people out to lunches in the business when you were working for him?

A. Yes, he did.

Q. Did that include lawyers and judges?

A. Lawyers and judges, DAs.

Q. Did you sometimes go to lunch with him on those occasions?

A. No, they kind of kept me away from that. And he took a lot of people fishing. You know, basically that's what -- he had a big houseboat and he took a lot of judges and people fishing.

Q. And would he generally pay for those types of things?

A. He paid for those types of things and a lot of other things, washing machines, dryers, you know, shrimp, you know, hundreds of pounds of shrimp and kind of without -- and paid for all the elections and paid for all the signs and put them all up for each judge that was running at that time.

I think around that time, they only had three or four judges in that parish.

Q. And you said he also would do this sometimes for the DA?

A. That's what he said. I can remember one distinct time that he said, you know, I'm in the judge's office and he told the judge, hey, judge, I was out with Momoletious all night -- I mean, was fishing with Momoletious all weekend and I would look at him, well, I don't know how you were fishing with Momoletious, you were with me all weekend.

So he would show that strength at the judge so he could get what he wanted. But he did wine and dine and buy a lot of stuff for judges in those days.

Q. And when you said he would throw that strength, is that something bondsmen would do in terms of representing that they have powerful friends?

A. Yes.

Q. When did you first meet Judge Porteous?

A. You know, it's a long time ago. Probably 16, 17 years ago.

Q. Do you remember the context in which you met him?

A. Well, this is how it started with Porteous is they had a guy out of Barnett who was a bail bondsman.

I don't know if he was a bail bondsman. He was a hustler. I don't know if he ever held a license or maybe he did at some point but he always lost it, never kept up with it, never filed the fees to renew it, never did the CE, so he was kind of -- maybe he had it for a little bit, maybe he didn't, but basically he was a hustler and his daddy was Ralph Barnett, an attorney, and Ralph, in those days, was close with Adam Hebert so Adam Hebert had all the business.

So Adam Hebert used to refer all the business to Ralph. So, you know, when the money was flowing in that area, they had the juice.

Q. When you say they had the juice, what do you mean by that?

A. You know, to get the bonds cut, to call judges at 3:00, 4 o'clock in the morning, to get them set, to get them out immediately, you know, it was Ralph and Adam's dad who is a lawyer and Adam Hebert.

Q. Now, did Judge Porteous also know Ralph?

MR. DUBESTER: I would like to object only to get Mr. Marcotte to finish the question. Your

question was how did Mr. Marcotte get to know Judge Porteous. I don't think he ever -- he started talking about something else.

MR. TURLEY: I was satisfied with his answer. If he hasn't finished one of my answers, I'll definitely ask him a follow-up.

BY MR. TURLEY:

Q. But could you tell me, do you --

A. And I was getting to -- I'm sorry. I was getting to how I became close with Porteous through that angle.

Q. I want to go back a little and try to dice it up so I better understand it.

A. Okay.

Q. Did Judge Porteous also know Ralph Barnett?

A. Yes, absolutely, because Porteous was in the DA's office and Ralph played tennis with most of those guys in the DA's office and he was close with Marion Edwards and all those guys.

Marion Edwards was a DA. Now he's a judge. Anyway, he was close with everyone in the DA's office.

Q. And at some point, Adam Barnett then worked with you on bonds, correct?

A. He worked with me on -- actually, what I -- see, before they put taxes in at the jail, we didn't need judges to cut the bonds. We would just write the bonds, if the people didn't have all the money, we would set them up with a balance.

But once they put the taxes in, they started taxing us 30, 40 percent on the bonds, then we had to get the bonds cut because, you know, there was a lot of cost involved at that point. And so at that point, we engaged Adam to go get the bonds reduced with the judges.

Now, Adam was a little rich kid from Metairie. He was close with all the lawyers and the judges. His dad was the biggest lawyer in the town at the time and he could go to the judges and get the bonds cut and he knew Porteous. He was close with Porteous. He was playing golf with Porteous and he could get the bonds cut.

Q. And when you started working with Adam, is it correct to say you were new to the bond business at that point?

A. Yes, I was. I think Adam was -- he may have been -- I don't know. We probably started around the same time.

Q. Adam Barnett I'm talking about.

A. See, Adam worked for Adam Hebert's nephew and I worked for Adam Hebert. He worked for Gerald Hebert in New Orleans and I worked for Adam Hebert on the west bank side of the river.

Q. And did you have a contractual relationship with Adam Barnett during the period yourself?

I mean, did you ever develop a direct contractual relationship between your business and Adam Barnett?

A. I think at some point he may have been licensed through us but again, he wouldn't go through the CE, the continuing education, and he would never follow the rules so his license was always suspended or for whatever reason, he just was lazy and he was a procrastinator and he wouldn't follow the rules.

Q. But I just want to make sure I understand. So sometimes you would have bonds in your business and then Adam Barnett would handle those bonds for you in going to the judges, is that right?

A. Right. He would go to the judges and get them reduced and I would pay him a fee for getting them reduced out of my commission on the bonds.

Q. And at some point you stopped using Adam Barnett for this purpose, is that correct?

A. Well, the reason I stopped using Adam Barnett is because Adam wore out his welcome with most of the judges because when his lips were moving, he was lying.

So he was lying to all the judges and he got Porteous in a cross by putting up property that wasn't worth the amount of bonds on, you know, not hundreds of people, but maybe 20 or 30 people, they put up the same property.

So at some point Porteous made the paper for that, and he also made the paper, because he let somebody out for Adam; the guy burglarized everybody's house in his neighborhood. So at that point, Porteous said, I can't fool with this guy. He's going to get me in trouble.

MR. TURLEY: I would like to make this Exhibit 1, if you would.

(Exhibit No. 1 was
marked for identification.)

BY MR. TURLEY:

Q. Mr. Marcotte, I'm handing you a document that's been marked Exhibit 1 and this is, I would represent to you, an article from the Times Picayune.

A. Yes, sir.

Q. And on the very top, it has the markings

FD-350 (Rev 5-8-81). And in the opposite corner, it has HP Exhibit 119(z). Do you see that document before you?

A. Have I seen it before?

Q. No, do you have that document before you that I just described?

A. Yes, I can see some of it. I don't have my glasses with me but I can see a little bit.

Q. That's two of us. Maybe we can help each other.

The headline of this article, as you can read, is "\$80,000 house is used as surety for \$300,000 in bonds." Now, if you look over to the right corner, you'll see the date edition is 9/14/93. If you look over --

A. Excuse me?

Q. Oh, is that your lawyer?

A. It may be him.

Q. Do you want us to go off the record so you can answer that call?

A. I don't think that's him. I'm sorry.

Q. That's okay. That's okay.

A. But I'm leaving it on only because if he calls. Is that okay?

Q. Yes. As long as it's okay with the

Senator.

Do you see that date is 9/14/93? Do you see that over in the corner? It's actually right around here. It shows the date of the article right here.

A. Right.

Q. Do you remember this article?

A. Yes. It's been a long time but, again, I just told you about it but verbatim, I don't really remember every step that was in it, you know, but I do remember the article and I remember this was kind of the straw that broke the back with Adam and Porteous.

Q. Excellent. So when you said that there was a change where you stopped using Adam Barnett as much, this was the event that you were describing, this date?

A. I think this was one of them. I think there was, you know, a few other events that maybe didn't surface in the paper but Porteous felt real uncomfortable about what happened with some other cases.

Q. Now, let me ask you, before this time, which is 9/93, did you have a close relationship with Porteous or was it primarily Adam Barnett that had

that relationship?

A. Adam Barnett had the relationship with Porteous. Adam Barnett had the relationship with Porteous.

I never could get a relationship with Porteous at the time because of the Keith Kline case where supposedly he took some money and people were saying stuff in my office that Keith Kline was wired and he somehow -- Bodisque leaked it back to Porteous and at that point, from the time that he took a State bench until now, until this time, he didn't have anything to do with us.

Every time I had a bond or something, he would kind of like (gesturing).

Q. Did you have any personal knowledge of the judge taking money in that Kline case?

A. No, I didn't because at that point, I didn't have any -- I was never in touch -- I was using lawyers to get to him.

Q. So is it correct to say that after this controversy, you began to have more dealings directly with Judge Porteous?

A. Yes, after this -- we were fixing his car. Adam was fixing his car and cars, his son's cars, putting tires and stuff, and I was giving -- Adam and

I would share the costs of the car but Porteous didn't know it was coming from me. He just thought Adam was doing it. And Adam was playing golf with him and Gucobbie.

Q. So then after 9/93, did you start to have more lunches with George Porteous?

A. Yes. After Adam burned out his bridge with Porteous, then -- when Adam was maybe playing golf or something else, we started dealing with Rhonda. Because, you know, maybe Adam was playing golf with Porteous, and we had bonds and Porteous was on the golf course with Adam and that's how we started getting close to Rhonda because we were starting to see Rhonda every once in a while.

Q. And what was Rhonda's last name?

A. Danos.

Q. Had you bought any lunches for Judge Porteous before this or was it pretty much after this that you did the lunches?

A. I probably -- you know, it seems like I bought lunches, again, like the cars through Adam, I paid half and Adam paid half and Adam took him to lunch.

Q. And let me ask you a question. You've been very helpful sort of describing these

relationships. Gretna itself, is that a small town?

A. The parish of Gretna or the city of Gretna?

Q. The city.

A. The city is probably 50,000 but the parish is probably 500,000. And even though it's a parish jail in a city municipality, but everyone from the whole parish went to the jail in Gretna but it was a Jefferson Parish jail.

Q. Now, was it your experience that lawyers and judges and bondsmen tended to all know each other in this community? It was a relatively close-knit community?

A. Yes, it was.

Q. So was it common for lawyers and judges to go out to lunch with each other and to socialize with each other?

A. I would say yes.

Q. Now, Judge Porteous is -- when Judge Porteous first started to deal with you directly, you said that might be around 1993, were you experienced at that point in bonds work or were you still learning the business?

MR. DUBESTER: I would like to object. I believe his testimony was that this article was one

of many things. I believe Mr. Turley asked repeated questions to suggest this was the pivotal thing and I don't believe that's a fair characterization of his testimony. So if Mr. Turley could simply ask a direct question without prefacing it with his characterization of what Mr. Marcotte has said, I think we would be farther along the process here.

MR. TURLEY: Senator, if I can make my own objection here, that would be called a speaking objection which is not allowed in depositions.

SENATOR HATCH: That's correct.

MR. TURLEY: You're not allowed to instruct the witness as to what you would like the witness to be doing, which is what just happened.

SENATOR HATCH: Well, I think he's entitled to ask questions the way he wants to.

MR. TURLEY: Thank you, sir.

BY MR. TURLEY:

Q. So, I want to be clear, sir. Is it your testimony around 1993 -- I was saying 9/93 because that's the date of this article -- that's when you started to have more direct connections with Judge Porteous?

A. Yes.

SENATOR HATCH: He's entitled to ask

questions the way he wants to ask them as long as they're not completely out of line. This is a very broad-ranging deposition as far as I'm concerned.

MR. TURLEY: Thank you, sir.

MR. DUBESTER: Senator Hatch, I'm sorry to -- I heard you clearly about you don't want objections and I certainly am keeping that in mind. He doesn't have a lawyer here so I am a little bit conscious --

SENATOR HATCH: You have a right to raise objections if you want to.

MR. DUBESTER: Thank you.

SENATOR HATCH: But keep in mind we're going to allow wide latitude here.

MR. DUBESTER: I see.

SENATOR HATCH: So we want to be as fair as we possibly can be but we're not going to allow total latitude, put it that way.

MR. TURLEY: Thank you, sir.

SENATOR HATCH: And I know the attorney for Judge Porteous understands that.

MR. TURLEY: Thank you, Senator.

BY MR. TURLEY:

Q. Let me ask you about your understanding of Judge Porteous's reputation at that point. Was he

known as a judge who was supportive of new lawyers?

A. I would say that he was supportive of new lawyers too.

Q. I was asking you about in 1993, when you started to have more interaction, were you still learning the business of bonds work?

A. Well, I've been in the business for 10-12 years. No, I knew the business. It's just that before the fees went in, you hardly never needed a judge unless you wanted to get a bond -- somebody got a lot of money and you wanted to get a bond set at 3 o'clock in the morning.

Q. Okay. How about his reputation with regard to bonds in drug cases? Did he have a reputation for being tougher on drug cases when it came to bonds?

A. Yes, he did. What happens was I think he was scared because of the Keith Kline case in the early part of his life when they had the kilos of cocaine and there was supposedly some issues there that scared him with large amounts of drugs, without the DA's objection.

Now, if the DA came down, we used to get the DA to come down and tell him no objection, then he would do it, but the DA would have to say no

objection.

Q. From your personal knowledge, were you aware of Adam Barnett paying Judge Porteous or his staff in relation to setting of any bonds?

A. Paying him in not money but other gratuities, you know, like paying for the golf, paying for the meals, paying for the cars, paying for the gas, paying for the wash of his cars, paying for, you know, anything he needed but not direct cash that I know of. If Adam gave him cash, I've never seen it.

Q. Fair enough. And you had mentioned that Mr. -- is it Hebert or Hebert?

A. Hebert.

Q. -- Hebert, I've got it wrong. So much for that. But you had mentioned that Mr. Hebert regularly took judges on trips and paid lunches, correct?

A. Yes.

Q. Was that also the practice of Adam Barnett?

A. I think some of the things that Hebert did as a bail bondsman rolled over into some of Adam and some of it rolled over into me too, you know. It seemed like it was kind of the way to do business.

Q. And was it fairly common to see judges and lawyers having lunches with bondsmen in Gretna?

A. To be perfectly honest, I've never seen a judge go to lunch with a bondsman in Jefferson or Orleans without me present. Other bondsmen.

Q. So are you saying you wouldn't have -- that you would -- I want to understand that answer better.

You had mentioned that Mr. Hebert would regularly take judges out to lunch, correct?

A. Right.

Q. But you never personally saw those lunches, is that what you're saying?

A. Well, he wouldn't take me with him. But I've delivered groceries to judges, four or five hundred dollars, as you shop for one judge and buy groceries for that judge once a week.

Q. Who is that judge?

A. Nestor Turralt.

Q. And when were you doing that? What years?

A. That was probably '78-'79.

Q. Did he also have you do those types of chores for other judges?

A. He had me do some other -- you know, deliver shrimp, was his big deal. You know, three or

four hundred pounds of shrimp to the judges.

Q. And which judges got the shrimp?

A. Judge Molisson, Zacarria.

Q. Do you know how to spell Zacarria?

A. Z-a-c-a-r-r-i-a, Frank Zacarria. And

Grachenette.

Q. Can you spell that?

A. G-r-a-c-h-e-n-e-t-t-e.

Q. Might there have been others in addition to those or you're sure that's the full list?

A. I know about those.

MR. DUBESTER: Can we just clarify the time? Are you asking only back in the Hebert days, Mr. Turley?

MR. TURLEY: We're asking about Hebert.

THE WITNESS: Just Hebert days, yes. And there were others, Louimmet. He was close with Louimmet. He fished with Louimmet. You know -- and Rock was a total BS guy, you know, so you don't know if he was just building himself up to get something from someone else, you know, building himself inside of his office to make these people think he could get million dollar bonds cut.

So you really, you know -- but again, I was with him a lot too, so some of that I know for a

fact. Some of the other stuff with the DAs, and you know, and no objection on -- you know, I remember one time they pled these guys with 10 keys -- Rock had the bond on them. Ralph came in and filed an abstenture to plead the guy absent with 100 kilos of coke. The guy took a misdemeanor and he didn't have to pay the bonds.

BY MR. TURLEY:

Q. Now, you mentioned that after Hebert -- that some of this carried over with Barnett and then you also said it carried over to me. Were you referring to things like the shrimp?

A. Yes, stuff like the shrimp and --

Q. So did you also deliver shrimp to judges?

A. It's been a long time but I think maybe I took over -- once they put those fees in at the jail and I started getting taxed, then I had to get the bonds cut because -- just say -- I'll give you an example.

If it's \$100,000 bond, the premium would be 14 or 13,000. Well, now the family's got 5,000. Well, you've got to give the courts 5,000.

Q. Sure.

A. So now you pay the courts, you pay your insurance company, and then you're stuck with, you

know, 7 to \$8,000 worth of credit, and -- which is very hard to collect a credit. So it would behoove me to get the bond cut to 50,000 so I could make my money.

Q. I'm going to be asking you about that.

A. Okay. Okay.

Q. I'm going to take you through those steps. At this point I just wanted to see, do you recall any of the judges that you brought shrimp to?

A. Yes, Judge Tiemann, Judge McCave, Judge Grefer, you know, Cascio, Dotson, Fitchue.

Q. And what other types of things would you do personally for the judges? You mentioned that Hebert, you know, you had to do groceries. Did you do other types of things for those judges?

A. Groceries, shrimp. I picked up Molisson's son in the flood in my jeep. It's been a long time with the Molisson thing. I may have bought groceries for Molisson but I think I remember Rock buying a washer and dryer for them but you know, it's been a long time. That's probably 25, 20 years ago.

Q. Fair enough. Do you recall how much you paid Adam Barnett when he was working with you?

A. To --

Q. To do bond things.

A. Just to get them reduced?

Q. Yes.

A. See, if he brought me a bond, I paid him a commission, 30, 40 percent commission. If he -- at some point he was on salary but 30, 40 percent commission if he brought me a bond. If he would go see a judge, depending on the size of the bond, I'd let him make some money. If it was a \$100,000 bond and I collected 10 grand, I would give him a grand.

You know. And his words were, you know, when he got those bonds cut, mainly with Porteous and Gucobbie, you know, well, GPT, meaning Porteous, wants his car fixed or he wants gas, he wants it cleaned. So whether he was actually doing it each time, or he was doing it some times, he was just lying because he wanted the bond for the money, I don't know.

But I know there were times that he did fix the car with the money or did whatever Porteous, you know, golf and whatever.

Q. Do you recall when Adam Barnett left? Did he eventually leave the bond business?

A. Well, Adam Barnett got to be so flaky that -- see, my thing, I wanted to write bonds on everyone. You know, these other lawyers wanted to

sell RORs with the lawyers and split the money, but I wanted to write bonds, because I thought it was good for the business if everybody got out on a bond and someone would hunt them.

If you do it on an ROR, a guy could run and no one is hunting him. If you do it that way, you don't have to pay the fees at the jail, you don't have to pay the premium to the insurance company. So if you got a \$10,000 bond, and a lawyer gets him released on an ROR, the bondsman takes 500 and the lawyer takes 500 and there is no bond.

Q. I'm going to focus a second on a couple of questions about how you worked as a bondsman in terms of these lunches that you mentioned. When you started your business, how often would you go out to lunch with judges, do you think, in a given week?

A. It seems to be -- I mean, again, it's a long time but, I mean, I think I was going to lunch probably one, two to three times a week depending on each week. Some weeks maybe one, some weeks maybe two, some weeks maybe three.

Q. Sometimes did you go to lunch alone without people with you or did you tend to try to take people along?

A. Sometimes I went by myself but you know, I

was trying to -- I needed to get those bonds cut because of the fees at the jail. So basically if I was going to go to lunch, I tried to -- and sometimes I couldn't corral people to come to lunch with me because they all had different schedules, they were going to lunch with someone else. But basically my main focus was to take people to lunch and preach the bail bond business to them.

Q. And how would you -- you said corral people. How would you do that? Would you go over to the courthouse and see who was available or would you do it over the phone?

A. Actually, you know, some judges' secretaries I would call direct, but, you know, Porteous was a leader in the courthouse. So -- and you know, Rhonda was the gatekeeper for Porteous, and you know, she's the one who did the corralling for me and to get everybody together.

Q. And I want to make sure -- we talked about the shrimp and things like that but -- and the cash. I want to make sure I understand, did you go out to lunch with judge McCave sometimes?

A. Yes, I did.

Q. And did you pay for it?

A. Yes.

Q. How about Judge Gucobbie?

A. Yes.

Q. Any other judges that you would go out occasionally with and pay for their lunch?

A. Judge Hand.

Q. H-a-n-d?

A. H-a-n-d. And I've been out with Tiemann for lunch. I mean, if I had the judges list, I could look at them and say, hey, this one, this one, this one, this one.

Q. Can you give me an estimate of the percentage of judges in Gretna that you have taken out to lunch at one point or another? I mean, give me a ballpark figure?

A. Well, I've been there before most of them, and I left way after a lot of them, so there was different judges through my life in the bail bond business, you know? And so -- and just as with justices of the peace. So the group was pretty large.

Q. When you say pretty large, I'm just trying to get an idea of this. I mean, would you say it was over a dozen or over two dozen? I mean, I don't want to push you if you don't recollect but --

A. You know, it's hard for me to say exact

but I would say over a dozen.

Q. And over a dozen individual judges you're referring to?

A. Yes.

Q. Did you enjoy going out to lunch with Judge Porteous?

A. If it was going to make me money, yes, I did enjoy it.

But at some point, you know, drinking -- I'm an athletic guy. You know, I run a lot, I work out a lot. And getting drunk in the middle of the day, which I've done for a while, you know, was wearing on me so I kind of wanted to ease myself away and I started sending some of my employees to do it. I would send my assistant Lori, I would send my chief financial officer, and I kind of wanted to wean away from that because, you know, sitting around talking about the same thing every day, drinking, you know, and here I am trying to make money at my store, you know.

I mean, I know I was making money at the table by being there with them but you know, it started to -- you do that three or four years, you know, drinking during the day, you feel like crap all the time and I was trying to slowly ease my way out

of that. And I did towards the end.

Q. Did other judges drink at lunch as well?

A. Yes.

Q. In this part of Louisiana, did a lot of people tend to drink at lunch, you know, over these business lunches?

A. Not all of them. You know, a lot of them -- some of them would drink when they didn't have to go back, you know -- - unlike mostly Porteous, he drank even if he had to go back. But the other judges, if they were at the table with me, if they didn't have to go back to work, they would hang. Maybe the lunch would go from 12:00 to 4:00.

Q. Did he often appear drunk to you? Did he stumble or have any other appearance of being drunk?

A. Actually, Porteous was a beast. I mean, he could drink, you know, five, six and walk off straight like it was nothing. You know, vodka straight, Absolut Vodka straight. He would drink four or five of them, you know, and you wouldn't even know he had a buzz.

Q. So when you're saying a beast, you mean a high threshold for alcohol?

A. Yes, high threshold.

Q. When you said you talked about the same

things, did you guys only talk about the bonds business or did you talk about sports or politics on occasion or was it all just bonds?

A. We talked about different things, but you know, like I was in the bail bond business and that was my life. I mean, you know, Mark Spitz trains to be a swimmer; I train to be the greatest bondsman in the country. So that was -- I didn't talk about anything else but bail, man. You know, that was everything.

Q. So in all of the lunches you had with him, you were primarily talking bonds during most of these lunches?

A. Most of the time. Not just bonds, you know, certain judges, you know, can we do this, you know, can we get him to the table or can you talk to this judge, he won't split any bonds for us, so we don't have to wear you out as much. You know, stuff like that.

Q. And that type of issue, you know, the bonds business, would you sometimes talk to judges in their chambers about those same concerns?

A. Yes, I would.

Q. And would that be with other judges beyond Porteous?

A. Yes, it would.

Q. So it sounds like these judges were sort of all business for you?

A. I'm sorry?

Q. It sounds like these lunches were all business for you, that you pretty much stayed close to raising issues that you were concerned about at the court?

A. Right. There was all kinds of issues, you know, like other judges and other people that didn't want to cooperate with me.

Q. Do you recall being interviewed by the FBI on August 1st, 1994?

A. You know, I don't -- the dates, I mean, it's been a long time. '94, what is that? 15 years, 16, 17? My math is --

Q. I believe this was the interview for -- the FBI background interview that they were doing for Judge Porteous' confirmation. Do you recall the FBI coming to you and asking you about Judge Porteous?

A. Yes, I do.

Q. Do you know how they got your name?

A. I think probably Porteous gave it to them.

Q. Was Porteous openly friendly to you around the courthouse and in restaurants?

A. Yes, he was.

Q. Would you have described your relationship as a friendship?

A. Yes, we were friends.

Q. When the FBI called you, had Judge Porteous told you before that he had recommended that they call you or did you just get a call from the FBI?

A. He told me that, hey, the FBI may be calling you.

Q. Did he tell you to say anything at that time when he said, the FBI is going to be calling you and I want to you say this or that?

A. No, he didn't say that.

Q. So it was sort of a heads-up, you're going to get a call from the FBI, is that how it worked?

A. It was kind of like I thought he would expect me to say the best of him.

Q. Did you take notes during that interview with the FBI?

A. No, I did not.

Q. Do you know if the FBI interview was recorded? Do you remember?

A. I don't know if it was recorded or they, you know, they wrote the statements. I'm not sure.

Q. Do you remember the names of the FBI agents?

A. No, I sure don't.

Q. I probably wouldn't either.

A. Long time ago, yeah.

Q. How long do you think that interview lasted?

A. Probably 20 minutes.

Q. Okay. Was it over the phone or in person?

A. I think it was in person.

Q. So did they come to your office in Gretna?

A. They came to my office in -- I don't remember what -- I mean, I had a lot of offices. I had a corporate office, I had a bail bond office, I had -- you know, I had offices everywhere.

I don't remember exactly -- and I may not have had my corporate office at that time. You know, it could have been in the bail office or it could have been in my corporate office.

Q. And you remember it was about 20 minutes? It could have been less than that or you just --

A. It seemed like 20 minutes but it could have been less, it could have been more, you know?

Q. Now, after that interview, did you call Judge Porteous immediately after the interview?

A. No, I didn't. I think we went to lunch. I don't know how soon. Maybe a couple of days after or a week after. And then we talked about what they asked and I told him that I gave him a clean bill of health.

Q. Did you give him a question-by-question, answer-by-answer account or did you just sort of generally describe --

A. I think I told him, you know, some of the stuff that they asked about Keith Kline and Phil Boudsique and Gino, how is his drinking problem and stuff like this, generic stuff. And there may be more. But I just -- I don't remember all of -- you know, every question.

Q. I want to confirm, it was your recollection that in this first interview, the FBI asked you about the Kline matter?

A. Right.

Q. And they asked you about rumors about his drinking, is that correct?

A. Yes.

Q. Do you recall anything else besides the Kline matter that he specifically asked you about?

A. I think I may have told him that he had a couple of drinks but I'm not exactly sure. Again,

it's been a long time.

Q. But how about, I'm talking about in addition to the Kline matter/controversy, did they ask you about any other bond controversies or bond cases?

A. No, they did not, not that I can recall.

Q. Do you remember if there was anyone else in the room with you when you gave that interview?

A. I think it was just probably me. I mean, I wouldn't have let any of my employees in unless Lori was with me. But I don't remember if she was or not. There were so many things that happened in my life in those 25 years.

Q. Now, later did you have occasion to say that some of the things you stated to the FBI on that occasion were untrue?

A. Later?

Q. Right.

A. Yes, I did. I mean, he was good to me through the years as far as reducing bonds and I wanted to be good to him.

Q. But did he tell you to be untruthful when the FBI -- when he first told you that the FBI was going to be calling you, did he tell you to be untruthful?

A. No, he didn't tell me to be untruthful.

Q. And did you feel that your interview with the FBI, because you gave him a clean bill of health, gave you a degree of control over Judge Porteous?

A. No, because I know he was going to the Federal bench and I knew that once he got there, you know, at that point, I thought, I don't know if this guy will be able to help me any more and I know this is what he wants.

Q. Did you feel that because of what you said in the FBI interview, you might be able to coerce the judge at a later date?

A. And ask him to do stuff for me? No, I didn't think that at the time.

Q. And we had already established that you actually didn't do any bonds with him when he became a Federal judge, is that correct?

A. No, I didn't do any bonds but I asked him to talk to the magistrate -- actually do bonds, no, but I asked him to talk to the magistrate, so he can get the magistrate to start taking commercial bonds this Federal court instead of letting people out on signatures or putting 10 percent deposits there.

And he told me he would but, you know, did he do it? Did he go ask Louie Moore to do it? I

don't know, he might have been kind of like Adam Barnett saying, yeah, I'm going to do it but never got around to do it. But I still don't know whether he got around to doing it.

Q. Did Moore end up giving you that business?

A. No, he did not.

Q. And by the way, when you wanted a judge to -- let me strike that.

You had mentioned that sometimes you would just go into the chambers of a judge and raise some of these issues with judges, is that correct?

A. Right.

Q. Did you go into Moore's chambers to ask him to do that or try to reach him directly?

A. I may have got him some literature that -- Strike Back is a victims against crime organization who did case studies on commercial bonds versus deposits and the show rate and all of that. I think I may have supplied that to him, but you know, basically I think -- I tried to get into the Federal court with the commercial bonds.

Q. Now, I'm going to represent to you something that was in that first interview and I can show it to you but I'm just going to read it to you to see if you recollect it and that's fine.

In the FBI interview, there is a line that says "he," meaning you, "said the candidate is a very hard worker and many times the only judge still working in the evenings when Marcotte goes to the Gretna courthouse to negotiate bonds with judges," closed quote.

Do you recall that in the FBI interview that you had, of saying something like that?

A. You know, I don't recall that exact question there.

Q. Maybe we should just go ahead and put it in the record. I also should have brought my glasses.

(Exhibit No. 2 was
marked for identification.)

BY MR. TURLEY:

Q. We are passing around copies of what is now Exhibit 2. And Mr. Marcotte, this document is of two pages and on the first page, you're going to see a Bates stamp in the lower right-hand corner that says port 000000503.

A. Yes, sir.

Q. And then it continues next with the stamp of 504. And the pages themselves are page number 16 and 17. Do you see those markings?

A. Yes, I do.

Q. And at the top it says: Reference, the following investigation was conducted by special agent, and then it's blocked out, it's blank. Do you see that?

A. Wait, I'm sorry. Can you show me?

Q. It says, "The following investigation" --

A. Okay, yeah, yeah, yeah. Okay.

Q. I just want to confirm we have the same document in front of us?

A. Yes.

Q. Okay. Where I'm referring you to is, if you go down to the third paragraph, the one that begins, "He said the candidate is a very hard worker and many times is the only judge still working in the evenings when Marcotte goes to the Gretna courthouse to negotiate bonds with judges." Do you see that?

A. Yes, I do.

Q. Was that a truthful representation of what you said to the FBI?

A. Probably he was a hard worker for me.

Q. Was he often the only judge that was there working in the evenings?

A. No, they had other judges there.

Q. When you went to the courthouse in the

evenings for bonds, would you sometimes see who was there and try to corner them or talk to them about the bonds?

A. I would see whoever I could get to do the bond, and I knew that Porteous would do the bonds quicker than anyone because, number one, he had more balls -- excuse me, I'm sorry -- than most of the judges. He was close with the DA up there, so he felt comfortable that the DA was going to cover him, and then I was wining and dining him, too.

Q. Now, when you said he had more balls, is that because he was the most likely of the judges to make a tough decision?

A. That and I would have to say, you know, other than some of the bad decisions that he made, he was probably one of the brightest up there.

Q. Now, if Judge Porteous wasn't in the courthouse, would you try to see what other judges were available?

A. I would. We would shop bonds.

Q. When you say shop bonds, you mean you would look for other targets of opportunity, to use that term?

A. Yes, sir.

Q. So was it common for bondsmen to go into a

chamber if the judge was there in the evening and say, you know, can I talk to you about this bond?

A. Yes, it was.

Q. How many bondsmen were working the courthouse when you were working in Gretna? I mean, could you give me a rough idea?

A. They had a couple of them but basically I was writing probably 90 percent of every bond in the courthouse. I mean, again, I said once before and they had the place surrounded like Fort Knox. Again, I trained to be a superstar in that business.

Q. Just getting back to that line, would you say that that's a truthful statement on your part? Is there anything about that that you would say is false?

A. The line that says --

Q. That I read you earlier, "He said the candidate is" -- that whole line?

A. There is some truth to it. A hard worker? Could he run through the docket faster than anyone? He could do his docket in two hours where another judge would take, you know, a whole day to do it. So does that make him a harder worker? Was he there in the evenings a lot?

No, I think Porteous, you know, after

lunch, you know, or as soon as he -- if he could run through his docket between 9:00 and 12:00, then he was going to lunch the rest of the day whether it was me or wherever he could find a lunch or whoever he could find a lunch with. Go have a few drinks and do whatever.

Q. Let me ask you about that. Did Judge Porteous have a reputation for moving his docket faster than other judges?

A. He did.

Q. Now, you also say on this --

A. He also wanted to get out of there quick, you know what I mean? So he moved it quick and he wouldn't put up with any nonsense between two lawyers bickering about nothing, where other judges would just sit back and, you know. Like Hand, for one, he would just sit there and, you know, pokey.

Porteous would move it quick. And he would move it quick because he wanted to get out of there, go play golf, go have lunch, go have dinner, go have drinks.

Q. I'm going to direct your attention to the bottom of the page that's marked 503 and, the first page, and if you look, it says, "He does not know the candidate to associate with anyone of questionable

character." Was that a truthful statement on your part?

A. Well, that's incorrect because, you know, I mean, I had Skeeter with me, Aubrey Wallace, who is my driver, who I tried to make a bail bondsman but he was a big kleptomaniac. But to make a long story short, he's been to lunch with Skeeter who had, you know, two or three convictions, sitting at the table with him.

Q. That was you and Skeeter at the lunch table?

A. And other people as well.

Q. Was this often a large group of people?

A. A large group of people.

Q. Now I'm going to ask something and I hope you would not take offense but would you consider yourself a person of questionable character?

A. No, I wouldn't consider myself at this point in my life.

Q. How about at this point when you gave the interview with the FBI?

A. You know, I was trying to make money and I would have said anything to keep bettering my business, to be the superstar in the bail bond business.

Q. Would you consider yourself a truthful person today?

A. Yes, I would.

Q. Would you consider yourself a truthful person when you gave this interview with the FBI?

A. No, I wasn't because I wanted something out of this, you know? Just like Porteous wanted something, I wanted something. I wanted to repay him for what he's done for me so I would have said anything. I felt obligated to him.

Q. Do you recall being contacted a second time by the FBI before Judge Porteous' confirmation, that they gave you a second call or came to see you a second time?

A. Yes, I do.

Q. Do you recall what they asked you about?

A. I'm sorry, I kind of drew a blank there for a second. Can you help me out a little bit there?

Q. Sure. And if you don't recollect, I don't want you to struggle. Let's try to focus back. The record seemed to indicate that this was an interview in Gretna at the 221 --

A. Derbigny Street?

Q. Yes. Do you recall if it was by phone or

in person?

A. It was in person.

Q. So they came to Gretna?

A. Right, right.

Q. And the records seem to indicate that they asked you at that time about the client matter. Do you recall that coming up again?

A. I know it came up. You know, it was a long time. It came up maybe once or came up twice; I'm not really sure. But I know it came up.

Q. You don't remember how long that interview was?

A. It could be -- I don't know. Half an hour, an hour.

Q. Did you immediately call Judge Porteous after that interview?

A. No, I didn't call him. I think we set up a lunch and then we started talking about it.

Q. Did you tell him exactly everything you said or did you just generally describe it?

A. I think I described what they asked and what I told them.

Q. Did he ever ask you to lie to the FBI at that point or tell you to say specific things?

A. No, he didn't. But I think he expected me

to say all good about him. Again, he was good to me.

Q. Now, were you later contacted at all by the Senate Judiciary staff? Do you remember getting any type of call from the Senate Judiciary staff?

A. It's possible, you know.

Q. I'm going to give you a second to think about that just in case it rings any bell. If you did, it would have to be roughly around this time of the second FBI interview?

A. You know, it could have happened but it seems -- I don't know.

Q. That's fair enough. I don't want you to guess.

A. I mean, my phone rung about a thousand times a day, you know, times 25 years. There are so many situations. It was just unbelievable. I mean, it's hard for me to remember.

Q. Sure. I understand. Let me ask about -- I'm going to take you back to the bond business for a second, like I said. During this time when you started -- we had talked about 1993 when you started to have more dealings with Porteous. During that time, was the Gretna jail under a court order for overcrowding?

A. Yes, it was.

Q. And do you recall whether people were being mandatorily released on a fairly regular basis from the jail?

A. Yes, they were.

Q. And was it your understanding that the Louisiana Supreme Court had set a hard figure on how many people could be held in the jail and you couldn't go above that?

A. Yes, there was.

Q. Now, was it your understanding that a lot of the judges were concerned about people being released mandatorily and not coming back?

A. Yes, they were.

Q. Was it your experience that by giving someone a bond, it made it more likely that they would reappear rather than being released mandatorily?

A. Yes, it would.

Q. Did many judges in your experience favor bonds for that reason because it gave them a likelihood of seeing that individual back again?

A. Most judges favored it and then some of them didn't.

Q. Now, is it your experience that the higher the bond, the more likely the person would come back

because they had more money in the game, so to speak?

A. I think the higher the bond, the more money I would make. But I hunted a bond, if it was 2,500, just like I hunted 100,000.

Q. No, I understand that, but was it your experience that someone who takes out a higher bond is more likely to reappear because they have more money at stake than someone with a lower bond?

A. Right.

Q. By right, you mean you agree with that?

A. The amount of money, yes.

Q. Now, we had talked about your looking for judges sometimes in the courthouse on the bond thing. Are you familiar that there was a judge that -- I think the term was an assigned bond judge. Are you familiar with that term?

A. Magistrate judge.

Q. That's right, they called them magistrate judges for a while.

A. What happens, it would rotate every week. Out of the 15, 20 judges, one judge would take magistrate for one week, then another judge, and another judge and another judge.

Q. Is it your experience judges did not like being the magistrate for that week?

A. I think some of them did but the majority of them didn't.

Q. Now, why didn't they like it, those that didn't?

A. They didn't want to be called, you know, at night. You know, they didn't want to put their name on anything.

Q. Was it sometimes hard to reach the magistrate judge who was assigned?

A. Most of the time, yes.

Q. Is it true to say that there were some judges that had a reputation for not being available when they were made magistrate judges?

A. That's correct.

Q. Can you give me -- if you recollect a couple of the judges that were sort of notorious in not picking up the phone or being available? Do you remember who a couple of them were?

A. Floyd Newlin, J. Karno, Judge LeBrune. You know, I think it was a lot. I can't think of a list. A lot of them didn't want to pick up the phone.

Q. I guess it was posted somewhere who the magistrate judge was for you guys in the bonds business, correct?

A. Yes.

Q. So sometimes you would see that name and you would go, okay, this is not going to be good, this person is not usually available?

A. This is going to be a screwed up week.

Q. Now, when you couldn't find a magistrate judge, was it customary sometimes for bondsmen to go and see if they could find another judge?

A. Yes, it was.

Q. And wasn't it common for judges, when they were told that the magistrate judge was not available, that they would often sign things if you couldn't reach the magistrate judge?

A. Yes, then we would go to other judges.
Not just -- lawyers and everything.

Q. Now, that system changed later, right?
Didn't they go to a commissioner that handles bonds now?

A. Now, but yes, they did have a commissioner. But even after they had the commissioner, we were shopping judges.

Q. How could you do that? Because I thought the idea with the commissioner was to have one person people would go to. Would bondsmen still shop around?

A. Basically the commissioner would handle the magistrate court. It would be available for bonds but, you know, if we couldn't get the bond that we wanted, then we would go to the judge that would give us the favorable bond. Because remember, we wanted to maximize the profits of our company.

So if I went to a commissioner and she would only cut a \$100,000 bond to 70 and I needed it cut to 30 so I could collect the 3,000 and maximize the profit of my company, I would say, the hell with the commissioner, I'm going straight to the judge who is going to do the best for me.

Q. Now, how many judges do you think you were able to get bonds signed outside the magistrate judge? I mean, did basically most of them do that or can you give me an idea?

A. During the Porteous time or just in general?

Q. During the Porteous time.

A. You know, Sassone was putting the pressure on with other judges and we were fighting with her and it got a little tight. So we did shop other judges but, again, Porteous, he was the guy.

Q. Well, did some of these other -- I'm sorry.

A. No, go ahead.

Q. For example, would Judge McCave sometimes sign when he was not magistrate judge?

A. He would do them sometimes.

Q. How about Gucobbie?

A. Gucobbie would do them sometimes too.

Q. How about Green?

A. He would do them sometimes too.

Q. How about Cascio?

A. He would do them sometimes too.

Q. Was there any judge that would never do it?

A. Yes, there were.

Q. So am I correct you would not try to shop with those judges?

A. No, I wouldn't. And can I say something?

Q. Sure.

A. When we were buying Porteous lunches, fixing his car, he would kind of be like on commission, not as far as cash. He would do more when we would do more for him.

Q. Did you have those other judges on commission?

A. Some of them, yes.

Q. Which ones did you have on commission?

A. I think Cascio.

Q. And who else?

A. Probably -- you know, there were different times. If we were talking about the Porteous times, you know, Bodenheimer, when I was wining and dining him, he was on -- you know, you would see the increase of the bonds when I was doing for him. And Moterrello too.

Q. Anyone else?

A. It's probably -- but none of them like Bodenheimer, Green, Porteous, you know, maybe Moterrello.

Q. How do you spell that last name?

A. Moterrello, M-o-t-e-r-r-e-l-l-o.

Q. Did any other judges besides those judges sign bonds when they weren't magistrate judge? Were there other judges beyond those judges?

A. Yes, they would. But they wouldn't do them -- they wouldn't reach out, you know, reduce a \$500,000 bond to 50,000. You know, if you got a \$100,000 bond you need to cut to 50 -- when it was an easy one, it would go to those other judges. When it would get hard, it would go to, we call them our A team.

Q. Now, when you say cut the bond, are you

talking about splitting bond, net reference?

A. Splitting, yes.

Q. Did people split bonds before Judge Porteous became a judge?

A. Yes, they did.

Q. Did most of the judges split bonds in Gretna in your experience?

A. Yes, most of them split bonds.

Q. Now, was it your experience that some of the judges believed that split bonds were a good thing to do because it allowed a bond to be placed on someone before they were released mandatorily?

A. Most of the time, depending on the value of the person who was signing, which most of them were worth nothing, so the only thing that had any significance was the commercial part of the bond. The personal surety part of the bond was just to let the public know that they got out on a very large bond but really the bond was only -- the only secured part of the bond was 50.

So if somebody gets out and does something crazy, it looks like he got out on a half a million dollar bond and a 50,000 commercial bond and a \$450,000 personal surety bond, you know, so he immediately looks at it, oh, he got out on a

\$500,000. Really he only got out on a \$50,000 bond. It was just a way to cover up the size of the bond.

Q. Is that really the only reason that you split a bond, was to cover it up, so a judge wouldn't split the bond for any other reason than covering it up?

A. Well, again, a judge, depending on the crime, he wants to look good in the public eye in that he's hard on crime and he's letting people out on high bonds when the truth of the matter is, you know, the real bond is a commercial bond.

Now, they do in some instances have personal surety people who will sign who are really substantial, but, you know, most people in our area, you know, if their house is worth 150,000, they've only got \$20,000 worth of equity in their property. So if the bond is 300,000, they sign for 250 and we write 50 commercial, that 250,000 is worth probably zero because then you've got to pay off the first mortgage and all you've got is a \$30,000 second mortgage which is worth zilch.

Q. Sure. Let me cut back on my question again. Did some judges believe that splitting bonds, in your experience, was a good practice, not to cover up anything but that it was a good practice in some

cases to split bonds?

A. I think they thought it was a good practice but, you know, if the -- we'll go by that example again. If the bond is 500,000 and only 50 of it is really good and the other 450 -- if they believe the 450 was good on a guy who worked at Avondale and made 20,000 a year, well, yeah, do they believe it's good or are they hoodwinking themselves thinking, hey, I'm going the right thing or I'm just trying to make the public see, hey, this guy got out on a half a million dollar bond.

Q. Let me ask a question. We'll try to focus in on this issue.

A. Okay.

Q. Were you aware that some bonds were set originally too high and that judges would sometimes split bonds where they believed that the original bond was simply too high?

A. I'm sorry, I was distracted.

Q. No, that's okay. It's all right.

(Mr. Regan enters hearing room.)

THE WITNESS: I'm Martin Regan. I'm his attorney and I apologize for any delay this morning. I've had a medical issue and am having some problems with my jaw. I'm ready to go.

MR. TURLEY: Please sit down. I'm sorry about your medical issues. Your client was comfortable in proceeding and then we stopped a couple of times to see if he was still comfortable going forward. But I'm Jonathan Turley and we're still on the record. Can we proceed?

MR. REGAN: Sure, absolutely.

SENATOR HATCH: Why don't we go around the room again so he knows --

MR. TURLEY: Oh, sure. Why don't we go around the room and introduce ourselves. I'm Jonathan Turley.

MR. MEITL: I'm P.J. Meitl. I'm working with Professor Turley on this case.

MR. SCHIFF: Adam Schiff, representative for the government.

MR. DUBESTER: Mark Dubester.

MS. JOHNSON: Erin Johnson for the committee.

MS. BRYAN: Patricia Bryan.

MR. KIM: Justin Kim with the committee on impeachment.

SENATOR HATCH: Senator Hatch.

MR. JIPPING: Tom Jipping for Senator Hatch.

MR. TURLEY: Senator, could I just -- maybe we take a break for Mr. Marcotte to use the rest room?

SENATOR HATCH: That's a good suggestion. Why don't we take a five-minute break.

(Recess at 10:32 a.m.)

BY MR. TURLEY:

Q. We are going back on the record and we're now joined of course by Mr. -- it's Regan?

MR. REGAN: Regan, Martin Regan.

MR. TURLEY: Thank you, sir.

BY MR. TURLEY:

Q. I want to go back to -- there was one reference you made. You referred to your A team of judges. Do you recall saying that?

A. Yes, sir.

Q. Could you tell me who was on the A team?

A. Well, it would be Bodenheimer, Green, Porteous, Cascio, probably Gucobbie.

Q. Did Judge Porteous sometimes turn you down on bond requests?

A. Yes, he did but most of the time he'll turn me down and if I couldn't get the bond done with anybody else, I would go back and keep putting the pressure on him and most of the time he would cave

in.

Q. I wanted to ask you to return to why judges sometimes believed it was a good thing to split bonds. I would like to pursue that a little further with you. Were you aware that some bonds -- in your experience, were some bonds set artificially high initially?

A. Yes, sir.

Q. And would some judges, if they believed that the bond was set too high, split the bond to solve the problem?

A. Yes, they would.

Q. You had mentioned that judges prefer to do bonds instead of having people mandatorily released. Do you recall saying that?

A. Yes.

Q. Was it your understanding that some judges viewed split bonds as useful for that purpose, to try to get as many people under bonds before they were mandatorily released?

A. Yes.

Q. How many bonds did your company do in a given week? Let's put it sort of in the middle of what you call the Porteous period.

A. On the national level or the Jefferson

Parish level?

Q. Just in the parish.

A. Probably 30,000 a month.

Q.. 30,000 a month?

A. Now, that's 60 to 70 percent of most jails are the people who are arrested or misdemeanor bonds which are scheduled bonds. So when you hit the jail, you automatically have a preset schedule bond that most sheriffs implement on certain charges. Anything that's not punishable by hard labor, most of the time when you hit the jail, you have a scheduled bond.

So that leaves 30 percent of that. You know, that's still not -- see, that's 30,000 bonds but some guy may have four or five charges so that's four or five bonds. So it's hard to quantify the amount. If you're trying to get to how many of them were split in the courthouse, it would be hard to get to the amount that were split versus the misdemeanor bonds and the amount of bonds on each charge.

We would write separate bonds on each charge because if they would toss two or three of the charges, we would only be liable for a smaller portion of the bond.

Q. I'm trying to get more of an idea of just the traffic.

A. Right.

Q. And I appreciate your explanation. And once again, we're going to get into some of the nitty-gritty on the bonds in a bit.

A. Okay.

Q. But, how many bonds would you estimate were signed in a given day by judges in the 24th judicial district, if you had to estimate?

A. It seems like anywhere between maybe 1 and 10, depending on what day. Sometimes they didn't need to be split because they were set reasonable and you would just go post the bond.

Q. Did Judge Porteous ever set fees from a particular bond, that is, get direct fees from a bond in terms of cash from you?

A. No, he didn't.

Q. Did any other judge?

A. No.

Q. Let me ask you about one bond request. Do you recall Judge Porteous turning you down for a bond for a man accused of fraud in New York? You came to him to get a bond for a fraud case in New York and he ultimately denied it. Do you recall that bond?

A. He didn't actually deny that bond. He did the bond and then the jailer called him and said, you

know, he might be involved in the Oklahoma bombing or one of those and then he canceled it. But he did --

Q. I'm sorry, you should finish.

A. No, I'm finished.

Q. You said the jailer called him. Couldn't it also be possible that he called the jailer in that case?

A. Well, he called the jailer. He had done the bond and the guy was getting ready to walk out the jail and this guy said, look, maybe he's involved in some kind of terrorist -- you know, maybe Oklahoma bombing. I don't remember. It was some serious, you know, maybe bombing the subway or something like that and he called and said, cancel that bond and put him back. You know.

Q. Could it also have not been terrorism but just a fraud case in New York?

A. Well, in the beginning, that's what we thought it was. And then I think later we found out -- I don't know. I didn't follow up after it. I remember Porteous because we made a joke about it. Hey, you were getting ready to let this guy out of jail who bombed some -- whatever. That's what I remember about that.

Q. Are you familiar that the judge gave

instructions to his secretary to call the jail on all bonds to check out the representations made by bondsmen?

A. Yes, she would always get the rap sheet and then give it to him and let him know how many arrests and how many convictions and then he would make a decision on the record.

Q. So he would never take the word of a bondsman, he would have his secretary confirm independently the rap sheet?

A. There were times that he took my word because maybe Rhonda wasn't there and he didn't feel like, you know, there were times that he did that. But there were also times, well, if he calls over there and he would say -- ask the desk sergeant himself, look, give me the rap sheet.

Q. Was it your understanding that the standard operating procedure he gave to his secretary was to call the jailer and confirm the background?

A. Yes.

Q. And that applied to you and all bondsmen?

A. Yes.

Q. Thank you.

A. And I would never lie to him about the bonds. I mean, if I got the rap sheet from the jail,

I would tell him exactly what they told me at the jail. Because I didn't want to get in the same situation as Adam where I would be cut off.

Q. Was there a rule book or guide book on what to set the bond at, for judges, that you know of?

A. No, they just arbitrarily set the bond at what they thought was significant for the crime.

Q. Was it your experience that if the DA objected to a bond, that it would be denied?

A. Yes.

Q. Was it your experience that if an expungement was objected by the DA, it would be denied?

A. Yes.

Q. And is the same --

A. But I don't know if that was a rule of thumb. You know, maybe it was denied and the judge went ahead and made the decision himself and then maybe the DA could take an appeal. But, you know, I'm sure there are tons of cases where the DA objected and the judge granted it and then either the DA takes the appeal or he just rolls over and says, okay.

Q. Now, you had mentioned that the judge

tended to be tougher on drug cases. Do you recall?

A. Yes.

Q. Was there a better judge to go to for drug cases?

A. He was only tough on the drug cases if we couldn't get the objection from the DA. If the DA says no objections, then he didn't care how much it was. Now remember, his relationship in the DA's office was so tight with those guys because he worked up there with them for 30 years, and if they figured Porteous really wanted to do a bond, I believe they leaned towards helping him.

Q. But in Jefferson Parish, if a DA objected to a bond, you would say that most judges would turn it down, correct?

A. Most judges.

Q. How about Porteous?

A. Yes, sometimes if they objected, he would turn them down. But again, if they knew -- one DA, Howie Peters, he and Porteous were close and everybody at the courthouse knew Porteous was helping us. So if he knew in the back of his head that, you know, hey, I know Porteous wants to help Louis so let's do it, you know, let's agree.

Q. So you're saying that the district

attorney's office was involved in trying to help Porteous help you? Is that what you're testifying to?

A. Yes.

Q. And which DAs did that, that were trying to help Judge Porteous?

A. They had a DA that handled the drug court and his name was Howie Peters and Adam was working him too. And I was working him too. And he wouldn't -- I mean, we had -- you know, we all were close so he would not object to almost any of the bonds.

Now, normally, when you file a motion to reduce a bond, you have a formal hearing in court with the judge and you put on a few witnesses and explain why the guy's not a flight risk and why the bond should be reduced. We didn't go through that formality. We just -- the DA would call Porteous and say, "no objection," boom, done.

Q. You said you were working Mr. Peters. How did you work Mr. Peters?

A. Talked to him a lot. I think he may have came to lunch with us a few times. He knew we were close with Porteous so he respected Porteous like a lot of people in the courthouse and, you know, with

the strength that Porteous brought to the table, wherever he went, you know, people listened.

Q. Why did people respect Porteous?

A. Because he was up there a long time. That's one reason. And again, he was probably one of the brightest guys, other than his faults and his mistakes, he's probably one of the brightest guys on the bench and I would say one of the brightest guys on the Federal bench.

Q. When you say that you worked Peters, did you ever buy him lunch?

A. You know, it's been a while. I can't recall but I think I bought tickets, you know, for DA in St. Charles where he was getting ready to go work for or he was close with some DA in St. Charles, so I bought some tickets for him just so I could keep a relationship going so he's not objecting.

Q. Now, was it your understanding that his relationship with the DA was built on the fact that he was a former prosecutor? I'm talking about Porteous now?

A. Yes.

Q. Do you think that being a former prosecutor gave him a little more confidence in the setting of bonds?

A. Absolutely. And again, I think he was the first assistant on the Momoletious so he was the boss over all these guys in the DA's office so once you're running the DA's office, you know, the day-to-day stuff, and you move into a judge's position, you're still kind of running things because that's what they see you as.

Q. By the way, when you went out to these lunches with Judge Porteous and the other judges, were they in public restaurants in the open?

A. Yes, they were.

Q. Did other attorneys see you?

A. Other attorneys, they saw me and other judges saw me with him, because we would all be around the courthouse somewhere and other judges would be going in those places and there I would be with Porteous.

Q. And we have some receipts from a place called the Beef Connection.

A. Yes, sir.

Q. And that restaurant is still there, is it not?

A. It is.

Q. By the way, what are you doing now for a living?

A. I have a clothing store.

Q. Where is it?

A. I sell men's suits, high-end women's, you know, designer stuff.

Q. Where is that located?

A. It's located like probably five blocks from the Federal Building.

Q. Would you call the Beef Connection -- I was just there two days ago. Would you call that a fancy restaurant?

A. Not fancy in looks but fancy in -- I guess fancy in price, you know. Steaks, lobsters, I mean, it adds up, drinks.

Q. Is that a place that judges and lawyers commonly go for lunch?

A. Yeah, I would say in that time, because they have other steak restaurants, it was the Ruth's Chris of the West Bank.

Q. Now, let me direct your attention to that period that you actually pointed out, which was the period after he was confirmed, before he took the oath as a Federal judge. And you mentioned that you were still getting bonds during that period. Do you recall how many bonds he gave you on the last day he was in office?

MR. DUBESTER: I would object to a memory test like that unless Mr. Turley can point to something in particular.

MR. TURLEY: I first want to know what his memory is and then I'll see if I can refresh it.

SENATOR HATCH: You can answer the question.

THE WITNESS: Answer the question?

SENATOR HATCH: Yes.

THE WITNESS: Okay. What I can recall is we wasn't going to bother or try not to bother any judges after Porteous was confirmed so we can actually open the floodgates and get as much as we can out of Porteous before he leaves. So why would we bother all these judges when Porteous is leaving. Let's wear him out, get as much as we can out of him, then he's going to be gone and we won't be able to use him again for bonds.

BY MR. TURLEY:

Q. Let me ask you this, Mr. Marcotte. When a judge was leaving office, did you sometimes do the same thing, that is, if they weren't reelected, you would try to push as many bonds to that judge before they left office?

A. You know, no one's left, you know, no

one's left like that. I mean, Ronnie left. Ronnie left, headed to jail. Judge Green left headed to jail. Gucobbie is still on the bench, Cascio is still on the bench, Hand was still on the bench. All of the A team and my two guys were still there after I left. Windhorst.

Q. I can represent to you -- and we're getting the material -- that we have looked at all the bonds that have been turned over by the House.

A. Yes, sir.

Q. And I'll represent to you that we have found only one bond on that last day and what I wanted to ask was whether it was your -- and I'll show you that bond. My colleague here is digging it up.

A. Okay.

Q. But whether it's your recollection that you had more than one bond on that last day?

A. I can't recall. Maybe the last day, he was tired and said, that's it. I don't know. I just can't -- on the last day.

Q. When you say he was tired, could it also be that you didn't ask him for anything more than one bond? I mean, do you have a specific recollection?

A. Well, maybe there was only one person in

my office with money that day.

Q. I can put this in the record but maybe I'll just read you the name but I'm willing to put it in the record. But it's -- gosh, I can't even read that. Oh, Craig Massey is the name of the bond I'm referring to. Do you remember Craig Massey?

A. There was so many. I did 30, 30,000 in a month but you know --

Q. It's okay. It's not important. Can I ask you to see if you have -- and I can give you this. I was just going to see what your general recollection was.

A. Okay.

Q. Do you recollect roughly how many bonds you moved in front of Porteous the week he was leaving, like an estimate?

A. You know, I really can't, but I know the order in my office was wear him out before he leaves. Now, were we busy that week? You know, how many bonds did we do? Were some of the bonds already set that the people could make without me having to get them split?

I mean, there was a number of variables there that could have, you know, precluded me from, you know, writing tons of them. I just don't know

how many. It's been a long time. But all I could say for sure is the order. And it may not have even been a week before he left. It may have been two weeks. Hey, from the time he got confirmed on, let's roll with the bonds, wear him out.

Q. Now, would you, just to try to -- I realize that your recollection is hazy and so it may be that this is no value. But taking the final month, would you find it surprising that you only asked for 20 to 30 bonds in the final month with Porteous? Would that be within the range of what you recollect?

A. Again, I'm not sure but it could be. Again, I don't know. That's, what, 17 years ago? I'm not exactly sure but if it's 20 you said -- and when I left in '03, in '03 or '01 or '02, I was writing 100,000 bonds a month on the national level.

But in '93, I was nowhere near the size that I was when they took me down. You know, so maybe 20 or 30 bonds were a ton of bonds for the amount of penal liability that I was writing at that time.

Q. Well, we're referring really to 1994. What do you think your average was in 1994 in bringing bonds every month to Porteous? Would you

estimate it was more than 30 or less than 30 in an average month in 1994?

MR. REGAN: Excuse me, let me ask for clarification. When you say bringing bonds, does that include Louis and his staff, anybody from his staff?

MR. TURLEY: Yes, thank you.

MR. REGAN: The entire staff?

MR. TURLEY: Yes.

THE WITNESS: Again, what happened with my business -- you know, I'm not trying to, you know, deflect from your answer but what happened with my business, it hockey pucked and I went from, you know, writing three or four million a year in premium to 30 million by '01.

So you know, those 30 bonds, again, could have been all of the bonds because my volume wasn't nowhere near what it was when I got to that point.

BY MR. TURLEY:

Q. I was reminded I missed one thing at the beginning because your counsel was not here. I wanted to ask once he was here. Have you been given immunity by Congress to testify today?

MR. REGAN: He has not.

THE WITNESS: I have not.

BY MR. TURLEY:

Q. I just wanted to ask.

MR. REGAN: He has not.

MR. TURLEY: Thank you.

BY MR. TURLEY:

Q. I would like to ask you a little bit about the home repairs. You had mentioned that you were doing different things for different judges, if you recollect. Did you ever do any home repairs for other judges?

A. Yes, I did. I had a construction crew, because I had those 90 bail officers and they constantly need -- you know, you've got 90 pieces of property, you had to work on them. So I had a construction crew in place and if somebody needed something fixed, I would send my crew out to fix it, you know, if they needed something, to fix their property.

Q. Did you sometimes do this for attorneys?

A. I can't recall that I did but, you know, maybe I helped one of my friends here and there with something but I can't recall that I was doing it for, you know, attorneys, but maybe. If I did, it was only one or two and I can't remember.

Q. How about judges. Could you give me some

of the other judges that you would do this for?

A. I think we did some patchwork on Cascio's house, I think.

Q. Did you say patchwork on the roof?

A. On the roof. And I've done some work on Bodenheimer's house. I sent a crew out there. And I've done some work on Porteous' fence, you know, and I think that was all, just his fence we repaired.

Q. How about Gucobbie, McCave?

A. No, I don't think I did anything at McCave's house and I don't think I've done anything at Gucobbie's house but some other -- it could have happened once or twice with someone else. I just don't remember. Like if we had dinner and some judge said, you know, my siding fell off the side, I would say, look, I'll just get my crew to come out there and patch it up for you.

Q. Would it occur when a judge would make an off comment like that, or -- as opposed to saying will you fix it? Did you volunteer to fix it in these situations?

A. Most of the time, I volunteered. Now, someone would tell you, my fence is broken, they're looking at you, because -- they know all my business. You know, it seems like they would expect me to offer

because I had the crew at my fingertips, you know.

Q. Did Judge Porteous ask you to fix his fence or did you volunteer to fix his fence?

A. I volunteered.

Q. And you say that's the only one you remember doing a repair work for him?

A. Yes.

Q. Do you remember how much that cost?

A. I sure don't. You know, I mean, there were some boards and I sent two guys out there. It's hard for me to remember but I'm sure it wasn't -- you know, I really don't know how much. I don't even know how much of the fence they repaired. I never did even go out there and see it.

I sent my brother-in-law and Aubrey Wallace there to fix it and if they needed boards or whatever, I just gave them -- they went to my accountant department, got the money for the boards and went and, you know, fixed it.

MR. REGAN: For clarification, you're just referring to structures, buildings? You asked if there were any other repairs for Porteous. There were other repairs.

MR. TURLEY: Right. I'm just talking about buildings. We're going to get to the car thing

if that's what you're thinking of.

MR. REGAN: I just didn't want to miss it.

MR. TURLEY: Right. And I should have clarified that myself.

BY MR. TURLEY:

Q. So did you know how long they were out there repairing this fence?

A. It might have taken two or three days.

Q. Two or three days?

A. Yes.

Q. To repair the fence?

A. Maybe they went out there three or four hours one day, three or four hours the next day. My employees on salary, they've got to drag it on and milk it as long as they can, make the job last longer than -- you know how people are, employees, you know. They've got to goof off and smoke marijuana, do whatever they were doing, in his backyard. But anyway --

Q. When you say repair the fence, was it your understanding that this was just like planks that had fallen off?

A. I think some wind blew through and knocked a portion of the fence down and they went there and fixed it. Again, I never did see the fence. They

saw it, you know, and they gave me -- I sent them to get the boards and nails and they worked on it and fixed it.

Q. Do you have any idea, for example, whether this whole fence expenditure was less than \$200 or more than \$200?

A. Well, the hard costs of the wood, whatever that would be, and however much they prepared and then the labor costs, which the guys were on salary with me. If you want to add up the hours, let's say they worked 12 hours. You know, two guys, \$10 an hour or \$12 an hour, maybe we can quantify an amount like that. And again, I'm just speculating here because I'm not even sure how many hours they worked and how many boards I bought.

Q. Let's talk briefly about the car repairs that your counsel has raised -- or clarified, not raised. Did you sometimes repair cars for other people?

A. I think that maybe I've put tires on a few deputies' cars who had bald tires and, you know, I bought a car for a deputy. I would see him walking to work at 5 o'clock in the morning in the rain.

Q. You bought him a car?

A. Yes, a \$2,000 car.

Q. Did the judge ever ask you to repair his car or did you volunteer for that too?

A. It started out with, you know, we're at lunch and then it started out with we're at lunch and, you know, he says Tim, my car is broke again and I would say -- or my car is broke. "Don't worry about that, judge, I'll take care. I've got a mechanic who I know will handle that."

And then that's how it started out and then at some point, he would have to have Rhonda call or he would ask at lunch, hey, this car needs a transmission, this car needs to be painted, this car needs tires, this car needs a radio. It started out with me volunteering and then it became him asking.

Q. Do you recall telling the FBI later that you believed that Judge Porteous was in difficult financial conditions?

MR. DUBESTER: I would just ask that if he has a specific statement, he indicate -- as opposed to memory, if you're going to ask him about a specific statement, I would just ask that he show the statement to him.

(Witness confers with counsel.)

MR. TURLEY: While they're doing so, I would simply note I think since he has able counsel

with him, I think his counsel is in a good position to make objections in terms of his own client.

THE WITNESS: When they originally came to me for his confirmation or a different time?

BY MR. TURLEY:

Q. I was asking just generally if you ever told the FBI at any point that you believed that Judge Porteous was in financial difficulties.

A. When he was getting confirmed or later?

Q. Let's start with confirmed and then later. How about during confirmation?

A. It's possible that I said that but I don't know if I would say that because I didn't want to damage him in any kind of way. I may have said it but I really don't think so but, you know, I'm not exactly sure.

Q. How about later -- how about after the confirmation?

A. After the confirmation, the second time they came? No, I don't think I would have, you know, tried to damage him in any kind of way but, you know, maybe I did say it, you know.

Q. Well, let me ask you, would you have had any personal knowledge of his finances beyond just lunch conversation?

A. He's never talked to me about his finances. The only thing is if you looked at his surroundings, you could see that he was having financial -- you know, bald tires on cars, junk cars, wrecked cars, beat-up cars. You know, you could see that there was financial problems there.

Q. But is it correct to say you never saw any type of financial statement or any figures from his accounts?

A. No, I never did.

Q. How many times do you think you repaired his car?

A. His car?

Q. Or cars, I should say.

A. All of them?

Q. Yes.

A. Probably -- you know, it's hard for me to say because, you know, if I was to just guess, and I wouldn't want anyone to hold me to it. Probably 15 times, all of them, you know, as far as putting gas in and getting it washed, tires, radio, his kids' cars, transmissions. Probably 15. I think that would be a -- between 15 and 20, at the most 20.

Q. Do you have any record of those repairs?

A. I don't know if the FBI, when they took

those papers, they had -- you know, because I mean, I guess maybe I paid some cash for some things but it would all be a tax write off for car repairs. I would have ran it through my company but, you know, I wasn't as knowledgeable as I am now on -- I was young. I mean, probably I'm 30 years old, you know, 17 years ago, something like that, 29, 28, 30.

(Witness confers with counsel.)

THE WITNESS: He was kind of a grunge -- with all due respect, he was kind of a grunge. He just wanted the car to run. He didn't care too much about the cleanliness of the cars. When I took it to get it repaired, I had it washed and waxed and filled it up with gas. All of his cars were kind of -- I mean, they were never spotless. Just like any other guy who has an alcohol problem, it seems like everything starts falling apart around you. You don't clean your car, you know.

BY MR. TURLEY:

Q. Was he the only guy you knew with a messy car like that or he was a standout in that sense of how messy his car was?

A. Yes, he was kind of filthy. The carpets were filthy. And when I had it cleaned, it would be spotless but, you know, if I didn't clean it, he

wasn't going to take it in and get it washed or waxed or spend three hours cleaning it during the day. He just wasn't that kind of guy. I mean, I'm sure he would have liked to have had a nice car. A car wasn't really that important to him.

Q. Did Judge Porteous or anyone associated with him ever give you cash or a check to reimburse you for some of these repairs?

A. No, I don't believe. Now -- no, not for the cars.

Q. What did they reimburse you for?

A. A lawyer reimbursed me for a trip. I split a trip to Las Vegas with some lawyers and they reimbursed me.

Q. Did Adam Barnett ever pay for these repairs?

A. Yes, he did.

Q. Can you tell me --

A. Wait. I don't know if he paid for the repairs. He made me pay for half of them. He took half, he said, and he paid for the repairs. Whether the repairs were what they say they were going to be or, you know -- I know that he took cars before me to different places and had them washed and gassed and fixed for Porteous before me.

Q. So am I to understand this correctly, that he would come to you and say, I just had this car done for Porteous?

A. We would do a bond and it would be money, okay? And then he would say, okay, look, Porteous wants -- Porteous needs his car fixed, okay? So we made 2,000 on this bond. You know, pay me my commission. Okay, my commission is 500 and Louis, you made your money. Now, let's each put up 250 and get the car fixed. Now, I wasn't dealing with Porteous then. He was.

Q. So when you said he said he did it, are you suspicious that sometimes he might have pocketed the money?

A. Yes, sometimes he may have pocketed the money. But I've seen him with his car too. You know, I've seen him pick it up with the keys in hand and go wherever he went to get it fixed.

Q. Did you, when you were having lunches with Porteous, did you try to develop a friendship? Was that part of the purpose of these lunches was to develop a personal connection with him?

A. Yes, I wanted to be close with him because, you know, I liked him and he could make me money.

Q. And so did you try to make sort of personal bridges or connections to him during these lunches to make him closer to you as an individual?

A. Yes, I did.

Q. Do you feel it worked? Did you feel that Porteous seemed to be closer to you on a personal level?

A. He seemed to be.

Q. Now, do you recall going to New York and bringing fake Rolexes back to the courthouse?

A. Yes, from Chinatown.

Q. You went to Chinatown in New York?

A. Yes.

Q. And you bought fake Rolexes?

A. Yes.

Q. How many did you buy?

A. Probably 20 of them.

Q. And who did you give those to?

A. I really can't recall everyone but I think I gave some to the clerks and the record department. I gave some to Judge Green and I gave some -- I can't say for sure if I gave one to Porteous or not but I know for sure, because Green particularly asked me to bring him a fake Rolex back.

Q. How about other judges?

A. I may have gave some -- I gave some probably to Rhonda and other -- maybe McCave's secretary. I'm not exactly sure, though.

Q. Would it be correct to say that when you got back, you went from chamber to chamber with these watches for judges?

A. Probably.

Q. How much do you think those watches were worth?

A. If I brought 24 watches back, at that point, they were 10 bucks a piece, 240 bucks.

Q. Did they work?

A. Yes, they worked for a little while and they would break or whatever.

Q. It's better than the watches I buy in New York. Now, did you also give judges hams and turkeys and cakes?

A. Hams, turkey, cakes, gingerbread houses.

Q. Could you tell me who a few of the judges were that you gave those to?

A. Gingerbread houses for Christmas, every one of them.

Q. Can you describe the gingerbread house? Was it big?

A. It was big, you know, that size.

Q. How much do you think that was worth?

A. Well, my ex-wife owned a bakery and I would get a good price on it but still, they were probably \$10 apiece.

Q. How about the hams and turkeys. Which judges got those, if any?

A. I tried to give them to every division for Christmas and Thanksgiving and all the deputies too.

Q. Did any of the judges ever turn down the turkeys or hams to your recollection?

A. Carol Kiff did and Jeff Hand did. But in the older days, no one turned them down.

Q. Is it your experience that sometimes lawyers would bring those types of gifts to judges during the holidays specifically?

A. Yes, wine. Mainly wine. I don't know if they were doing the hams, because hauling meat around, you know, it would be easier to bring a bottle of wine.

Q. Now, do you recall going to a conference in Destin in June 2000 with some judges?

A. Yes, I do.

Q. Did you charter a boat on that occasion?

A. I think we may have paid for the boat, the chartering of that boat. I could be wrong but, you

know, my sister -- you know, I was a guy who hung out with the judges. My sister handled most of the, you know, the credit cards.

I didn't carry -- I'm very forgetful. I lose wallets, I lose credit cards so I never did really carry anything with me so, you know, she would pay, you know, or my controller would pay. They have a card that was in my name.

Q. Do you recall what judges went with you on that trip?

A. I believe it was Bodenheimer, Hand, I think maybe Green, and I'm not sure if Porteous was with us on that trip. I don't recall.

Q. Would it surprise you if Porteous said he was not on the trip?

A. No, it wouldn't surprise me.

Q. Did their wives come along on those trips?

A. I think Hand's girlfriend and Green had a son and his wife was on the trip, but I don't know if she came on the boat trip. Maybe she done something else. I'm not 100 percent sure.

Q. Do you recall what you made available to people on that trip? Did you serve booze? Did you serve food?

A. I'm sure my sister had an ice chest full

of whatever, if they need -- or maybe the charter boat supplied this stuff, you know, for a fee. I don't recall but --

Q. Have you done trips like that on other occasions, of chartering boats like that for judges?

A. No, I didn't, but I chartered a boat for the sheriff, for a guy named Pat Pasquier. Not chartered. It was for him. Me, the sheriff and a couple of other sheriffs. Jack Stevens, he never did come on the boat. He was in the area and he took the sheriff out.

But anyway, to make a long story short, my staff, Harry Lee and a couple of his chiefs in the sheriff's office was on that boat and we stayed one or two nights and we pushed and that was it.

Q. Did you have occasion to take any judges to Las Vegas?

A. Yes, I did.

Q. How many times do you think you did that?

A. I think two times, if I could recall, two times, I think. Remember the bail bond convention was in Las Vegas 25 years so every year, I went to the bail bond convention.

Q. Did Judge Porteous sometimes speak at the convention, to your knowledge?

A. He did.

Q. Why would he speak at the convention? Was he a judge that people thought knew a lot about bonds?

A. I think he spoke at the convention because, number one, because of me, because I asked him to do it. And number two, he knew bonds and he was a great speaker. You know, he wanted to go to Vegas too, of course.

Q. Now, you said there might be two trips. Was there a trip other than the one to that conference?

A. I think one was in the beginning, like a couple of years after '93 or something. I don't know the times but I went with a bunch of lawyers and him.

Q. Do you recall who those lawyers were?

A. Philip O'Neil, Bruce Netterville, me and I believe Porteous was on that trip. One trip I was with Gucobbie and him and another trip, I believe it was some of his friends, some guy who owned a strip club who was friends with Porteous and I don't remember his name. He came and it was me -- something like that.

Q. Was it one of those trips when Gucobbie asked you for cash, that you mentioned earlier?

A. Yes.

Q. Do you recall who paid for Judge Porteous' hotel room on that occasion, on the first one?

A. I believe on that trip, it was me, Bruce and Philip.

Q. And Bruce and Philip's last names are?

A. Philip O'Neil and Bruce Netterville.

Q. So is it true you divided the cost of the hotel room?

A. Yes.

Q. And was there anything else you divided besides the hotel room?

A. I think I probably paid for the shows if we went to any shows or the drinks. With Porteous, I don't think I had to buy him drinks because -- I mean, I paid for the dinners and stuff but I wouldn't have had to buy him drinks because he was gambling all the time.

Q. Did you pay for his gambling?

A. No.

Q. In terms of the hotel costs that were divided, do you have any recollection of how much that cost you individually, if it was divided by three?

A. I don't know how much the rooms were, I

don't know how much the flight was then, you know.

Q. How many days were you there, do you remember?

A. It's hard -- I don't know. It could have been a week. It could have been four days, three days.

Q. Do you remember the hotel?

A. Again, you know, 25 times, you know, at the bail bond conventions, I've stayed so many places and done so many things in Las Vegas especially that, you know --

Q. Did you give him any cash on those trips?

A. No, I did not.

Q. Did you see anyone else give him cash on those trips?

A. No, I did not.

Q. Now, was your sister friends with Rhonda Danos?

A. Yes, she was close with Rhonda.

Q. Would they see a lot of each other?

A. Yes, they hung out a little bit together, you know, as far as the lunches and maybe they've done a few things together. They went out or something. I think Rhonda may have been single at some point. My sister was single. They might have

done things together.

Q. Did she go on either of these trips, do you recall?

A. Yes, she went on -- I don't know if she went on those trips but I know that she went on other trips. I don't know if she went on the first trip. Maybe she did but she went on the second trip, I believe.

Q. Now, when you all divided this money, the costs of the Nevada trip with Netterville and O'Neil, I guess you said, how did that come about? Did you guys just say, how do you want to handle this? Was there a prearrangement of dividing it? Do you recall?

A. I think we just split it three ways, you know, the expense.

Q. When you split it, did they give you cash for their portion?

A. I don't know if it was cash or a check or how they gave it. I know we split a bill at the Rosewood Grill for 2,000. It was a restaurant there.

Q. Now, at any point during these lunches and meals, did you ever tell the judge, look, I'm glad to buy you these meals but I expect you to give me this ruling or that ruling or to split this bond or that

bond?

A. No, I never. But I've asked him at lunches to split bonds at the table while we were eating.

Q. Have you ever asked him to split bonds in his chambers, when you were talking in his chambers?

A. Yes, I have.

Q. Sometimes could you not get into his chambers so you had to talk to him at lunch on busy days?

A. Yes, sometimes I couldn't get in his chambers or if it was a tough bond that I could get a "no," I always thought, you know, it's easy to tell someone no if they don't see you but if you look them in the eye, it's harder to say no.

Q. How often do you think you had lunch with Judge Porteous after he became a Federal judge?

A. You know, I would say maybe -- you know, I'm guessing because, you know, I can't recall but I think it's maybe five, eight times maybe.

Q. And usually, you mentioned you would go through Rhonda. Is that usually what you would do, that is, you would approach Rhonda to set up the lunches?

A. Yes, because, you know, Porteous wasn't

going to call the Beef Connection and make reservations and, you know, Rhonda is sitting there so I figured she -- like a pharmaceutical rep. She was the gatekeeper.

Q. Would Lori sometimes call Rhonda to set up the lunches?

A. Yes. I would call, Bridget would call. A lot of us would call her to set up the lunches. She would ask him and then she would set it up, and tell us where we need to be.

Q. Specifically for those lunches when he was a Federal judge, did you ever tell Rhonda, I'm going to take him out to lunch and I want to talk about these bonds or this business or did you just invite him to lunch?

A. I would never -- especially calling a Federal building and talking about stuff like that. I would just say -- I wouldn't want to be on the phone in the Federal building and I would say, look, I want you to groom this justice of peace so he could split bonds for me. I would wait until I saw him in person.

Q. No, I'm just asking whether, when you asked about the lunch, whether you told Rhonda, I would like to take him out to lunch to talk about

bond business?

A. No, I don't think I would say that. Are you talking about as he's a Federal judge?

Q. Yes, sir.

A. No, I wouldn't say that over the phone.

Q. Is that, in your understanding, illegal to ask a judge to talk about the bond business at lunch?

A. Well, in a State courthouse, probably, but a Federal courthouse, I don't know. Maybe I did. I don't know if I -- and most of the time, if we called the Federal courthouse, it would be my administrator calling and saying, hey, this is Bridget, you know, Rhonda, let's set something up with Porteous, let's get together.

Q. Did you have occasion to have lunch with a Judge Kerner?

A. Yes, I did.

Q. Who was Judge Kerner?

A. Judge Kerner is the justice of the peace in Lafitte, Louisiana.

Q. And did you discuss signing bonds at that lunch?

A. Yes, we did. And we were trying to groom him so, you know, we're kind of struggling -- not struggling but we needed more people in our circle.

We needed to expand the A team. So we needed more people in our circle to do bonds. And again, when Porteous came to the table, he brought strength.

Q. Sure.

A. And I figure that would -- you know, with Porteous saying, hey, the bail bond business is a good business, you know, reduce the bonds for him, then it gets back to court, that would weigh on Kerner and he would start doing what we asked.

Q. So let me ask you, do you remember what the judge spoke on at the bond conference when he went to Las Vegas?

A. Vaguely. A little bit. I think he was talking about people coming back to court and stuff like that.

Q. Could he have spoken about the value of giving people bonds and how they fit within the criminal system?

A. Right. And that's what he would have to speak about and tell the bail bondsmen and try to give them a little insight what he thought was good for the criminal justice system.

Q. Do you think, from your experience, that Judge Porteous viewed himself as one of the more experienced judges in dealing with bond issues, both

as a prosecutor and a judge?

A. I think he viewed himself as, you know, as more experienced but also, you know, more visible than the rest because his ties with the DAs and being up there and his friends in the DA's office.

I mean, the only one that could take the Federal Government out of there, the only one that could really bark at what he did and made noise and expose him would be the DA, and that was all of his friends up there. And what happens was here comes the big bad wolf.

Q. I'm sorry, who is the big bad wolf?

A. The Federal Government and that's what exposed us. The local government, we wasn't having no problems.

Q. Was it your understanding that judges were not allowed to have lunch with bail bondsmen in the parish?

A. No, I didn't know that. I mean, I thought that, you know, maybe the lawyers changed after they took me down. But before, I don't know. I thought that maybe it was okay.

Q. Did anyone ever tell you that it was against the rules for you to go out and buy lunch for a judge in Jefferson Parish?

A. No, until the prosecutors grabbed me and said, look, you can't do this with police officers. Any other part of the private sector, you can do it with but you cannot do this with police officers or judges.

Q. When you said that Kerner -- you said we wanted to work Kerner, generally, not those specific words, at this lunch. When you said we, are you referring to your staff?

A. I'm referring to my staff and Porteous because we were there to try to groom him.

Q. Did Porteous tell you -- I mean, let me strike that.

Did you tell Porteous, before going to that lunch, I would like you to come to lunch with Kerner and groom him?

A. I think maybe -- and I can't recall exactly but I think maybe Porteous and I were there before Kerner got there because I remember Kerner walking in, I think I remember Kerner walking in after we were all there and then I told Porteous, man, I need to get this guy to start doing some bonds for us. I need help with this guy. You know, it would be nice to have another justice of the peace, you know, to help us with these bonds to get them

done.

Q. You said sometimes you would go to judges' offices about getting judges to do more bonds. But occasionally would you go to a judge in their office and say, you know, it would be very, very helpful if this justice of the peace started to do bonds so that we didn't have to come to you or other judges? Did you ever have conversations like that?

A. Yes. Help us where we can wear someone else out and back off of you.

Q. Now, about this lunch at Emeril's with judge, I think it's Bengé. Is it Bengé?

A. Bengé.

Q. Now, there is a lunch that we see in 2002 at Emeril's. Do you recall that?

A. Yes.

Q. Did you call the judge personally for that lunch or did you go through Rhonda?

A. I don't think I called personally. I think maybe my administrative girl, Bridget, called Rhonda and said, hey, see if Porteous wants to meet us at Emeril's, we're going to have Bodenheimer and Bengé there and, you know, I think -- Bodenheimer and Bengé there.

Q. And did you tell Porteous beforehand, I

want to talk to Benge about doing more bonds with us?

A. Again, Porteous came in late. I think at that point, Benge and Bodenheimer were already doing bonds with us but in my head, I thought that, you know, by using Porteous and bringing him to the table and having a Federal judge sitting there, that it would accelerate the amount of bonds that they were doing for us because, you know, we're bringing strength to the table.

SENATOR HATCH: Mr. Turley, we expect you to wind up about a quarter to. Is that okay?

MR. TURLEY: I'll just wind up, and -- thanks. Thanks. I have only two more questions. Is that okay?

SENATOR HATCH: You have some more time.

MR. TURLEY: Okay. Do you know how much more time I have?

SENATOR HATCH: I said we'll go to a quarter to.

MR. TURLEY: A quarter to? Great. Thank you very much. Because I did have another section. I'll try to wrap it up very quickly, sir.

BY MR. TURLEY:

Q. There is a quote in the record that says that Kerner kind of froze up. Do you remember the

judge's reaction at this lunch as sort of freezing up?

A. Well, he kind of figured out we were trying to groom him and he looked a little uncomfortable in the seating, the place that he was sitting, but, you know, maybe we just felt like, maybe it's nerves, the first time he's eaten with all of us. But then when we tried to use him, you know, he completely froze up.

Q. Let me ask you, Mr. Marcotte, is it true that some judges on the State level didn't do many bonds and other judges tried to encourage them to do more bonds?

Let me sort of explain the basis of my question. We talked about how some judges thought bonds and split bonds were a good thing. Do you recall that?

A. Right, right.

Q. Was it also true that some judges tried to encourage other judges to do more bond work to take the pressure off them?

A. Yes, they did.

Q. I'm sorry these questions are a little bit disconnected because we're running out of time.

A. No problem.

Q. Is it true that with the exception of these lunches, after the judge became a Federal judge, that you didn't give him any gifts or benefits of any kind beyond these lunches?

A. After he became a Federal judge?

Q. Yes, sir.

A. Other than the lunches. And I believe after he was a Federal judge maybe -- not me. Maybe someone else he went to.

Q. I'm talking about you.

A. Right.

Q. Do you recall who paid for those lunches, those lunches that we just mentioned with Kerner and Bengé?

A. Oh, we paid them.

Q. Did you pay for Kerner and Bengé as well?

A. Yes.

Q. One thing I wanted to clarify. Remember I asked you about the FBI coming to you during their FBI background check and then coming back?

A. Uh-huh.

Q. Do you remember those two things?

A. Yes.

Q. You indicated that you had lunch after each of those interviews. Are you confident about

that, or was there just one lunch that you had discussing the interviews?

A. No, I think after -- I think -- I'm almost 100 percent sure that after every interview with the FBI, I had lunches after and we talked about it, you know. Maybe if we had two or three lunches after, we talked about it each time.

Q. Now, you had mentioned that you had given cash to some judges, correct? Did you ever give Judge Bodenheimer any cash just as a gift?

A. No, I just gave him a check because he wanted his campaign contribution in a check.

Q. And you said some judges might have just put that in their pocket instead of giving it to the campaign?

A. Instead of putting it in the campaign fund, they stuck it in their pocket.

Q. Which judges did that, do you think?

A. If I had the list, you know, I could tell you but I would say, you know, probably 60, 70 percent of them.

Q. What else did you give Judge Bodenheimer in your recollection? What other types of gifts did you give him?

A. I did some repairs on his house.

Q. Is that it?

A. Yes, and took him to Beau Rivage, wined and dined him, went to dinner at night, plus lunch times and hung out with him and, you know, paid all the bills.

Q. And how about Judge Green. What did you give him of value?

A. I gave him the campaign contribution which he and I hid from the rest of the world which made it a bribe.

Q. When you say hid it from the rest of the world, you mean he didn't give it to his campaign? He kept it?

A. We didn't disclose it to the rest of the world. I knew that he was going to mismanage the money and put it in his pocket because he probably needed it but at that point, I thought it was my job -- it wasn't my job to figure out where he was putting the money at, but it was my job because I went to prison for it.

So I didn't care where he put the money, you know, as long as -- my lawyer even said it wasn't my job to figure out where he was going to put the money.

Q. Did he hit you up for money? Did he

specifically say, I would like you to give me money?

A. No, only for his -- yes, for his campaign, I mean, for his fund raisers.

Q. Did you have occasion ever to buy lunch for a member of Congress?

A. I don't know if I could recall.

Q. So for example, John BreauX or any other member of Congress?

A. You know, maybe my sister went with John BreauX. I'm not sure.

(Witness confers with counsel.)

MR. REGAN: One thing just to clarify with Judge Green. In addition to giving him cash, he was a frequent lunch guest. I mean, he would call the bonding company and say, let's go to lunch.

MR. TURLEY: I understood that.

BY MR. TURLEY:

Q. And that's what your recollection is?

A. Right.

Q. Can I ask you one question about this man Wallace? Are you familiar that Wallace sought an expungement of a sentence with Judge Porteous?

A. Yes, an expungement and I believe to set aside a conviction, his conviction.

Q. Did you secure counsel for him, Robert

Rees, or did he?

A. We were sending Robert Rees cases so he was going to help us because we were helping him. We were referring criminal cases to him.

Q. Did Robert Rees talk to you about that expungement request or the set-aside request?

A. It's been a long time. Maybe he told me, he's not ready to do this right now, he's going to do it after he's confirmed. But exactly verbatim word for word, I mean, it's a long time.

Q. Was your impression from Robert Rees generally -- and you may not recollect but was your impression generally from Robert Rees that this was viewed as a relatively routine matter or was it viewed as a very difficult matter?

A. I believe, you know, getting the record expunged is a routine matter but the way we went about it without -- you know, back-dooring it was not the right protocol.

Q. By the right protocol, I don't understand what you mean?

A. Meaning like we back-door the expungement. Is it ex parte when you talk about expunging a record, you know, at lunch? I mean, is that a ex parte?

MR. REGAN: Right, you're talking about without the DA's opposition.

BY MR. TURLEY:

Q. Did you ever pay for a limo for Senator Breaux to go to a casino?

A. Again, that would be my sister. She did, you know.

Q. And then my final question is, in terms of that Wallace business, were these expungements, when you sought an expungement of this kind, in your experience, would you go to an individual judge often in these expungements to ask a judge to expunge this case or that case?

A. Well, normally you go to the judge that it's allotted to. In this particular case, the case was allotted to Porteous so you would go to him. But in the Duhon case, we had Porteous go to another judge to seek and expunge it -- through -- my brother-in-law.

MR. TURLEY: Thank you for your patience and we can stop here if that's what you want.

SENATOR HATCH: Thank you, Counsel, and returning to the Congressman.

CONGRESSMAN SCHIFF: Thank you, Senator.

EXAMINATION BY COUNSEL FOR HOUSE COMMITTEE

BY CONGRESSMAN SCHIFF:

Q. Mr. Marcotte, I wanted to ask you, you began an answer and I think you may have been cut off earlier.

Mr. Turley asked you whether you did any work for Judge Porteous after he took the Federal bench, car repairs or things of that nature, and you started to say after he was a Federal judge, he went to -- and I didn't know where you were going and I think you were cut off at that point. Do you recall what you were referring to?

A. Well, I think he went to the Federal bench, is what I was trying to say.

Q. Were you suggesting that he went to somebody else for repairs or favors after he was on the Federal bench?

A. No, I think he -- I think I was saying maybe he went to Las Vegas, I believe, as a Federal judge to speak at a conference, but I could be wrong there, but not at my request. At someone else's request. Because I remember getting jealous because one of my -- a lady that used to work for me was able to get him there without going through me.

Q. Mr. Marcotte, I think several times throughout today you referred to Judge Porteous

bringing strength to the table or Judge Porteous was the most helpful. Was there any judge in the courthouse who was more helpful to you in your bail bonds business than Judge Porteous?

A. I would think for the duration of the time, it would be Porteous, then it would be Green and then Bodenheimer. Bodenheimer and Green were running pretty close neck and neck.

Q. And Bodenheimer and Green, did they both end up going to jail?

A. Yes, they did.

Q. When you described your lunches with Judge Porteous, you said that he would drink sometimes four, five or six shots of Absolut vodka?

A. I actually wasn't counting but anywhere between three and six, depending if we had to go back. There were times where we would drink at Ruth's Chris, you know, with other judges and stuff, we would stay there until 5:00 or 6 o'clock. So we would start at 12:00 and drink until 6:00.

Q. And was it during some of these lunches where he was drinking to this degree that you would raise bail bond business with him?

A. Well, the relationship became much closer and, you know, it became much closer and it's easier

for somebody to make a decision quicker when you're impaired to a certain degree. Again, he would always -- he had a high tolerance for alcohol but I think it would be easier for me to get something out of him when he had a buzz than sitting on the back of his office with, you know, just getting in and having a cup of coffee.

Q. You mentioned that some of the hard cases where you knew the task was going to be difficult for the judge, you didn't want to make in the office, you wanted to make in front of the judge because you said it's harder when you're face to face to say no?

A. Yes.

Q. Did you find it easier for you to get him acquiesce on what you wanted on the bail bond when he had been drinking?

A. Sometimes, and sometimes it was "no, go find someone else to do it." And we would shop it, beat it to death, go back, "no" again and then shop it a little more and then go back and I would wear him down and he would do it.

Q. You also said that you found he would do more for you depending on whether it was one of the times when you were doing more for him?

A. Absolutely.

Q. Can you explain what you meant by that?

A. I mean, like in his car was in the shop or, you know, we were going to lunch or, you know, before we went to lunch, he would be -- you would see a little spark in him to want to do it even more because -- he probably was thinking, oh, another bond, you know. But then if I was doing something for him, you would see a little spark in him like, okay, do the bond. Basically see where I'm going?

Q. It wasn't necessary for you to discuss with him the favors that you were doing for him when you asked him to set a bond a certain way, was it?

A. I'm sorry?

Q. When you asked him to set a bond in a certain way, you didn't have to remind him, hey, I'm repairing your car, did you?

A. No.

Q. You understood that he was aware what you were doing for him?

A. Yes.

Q. And you asked George Porteous at times for his help with other judges so that you didn't have to wear him out by bringing him bond after bond after bond?

A. Yes.

Q. And Judge Porteous knew why you wanted him at the table for these lunches with other judges, so that you could --

A. So that we could talk about bonds and, you know, groom them with not only conversation but with food and stuff that would -- you know, food, alcohol, whatever it took to I guess corrupt him.

Q. When you testified before the House, I wanted to ask you about some of the questions I asked you then and follow up.

I asked you about one of the interviews with the FBI. And Counsel, I don't know if you have this with you, if you need to refer to it. I'll read directly from it. This was your testimony before the House on page 70 of the -- report. And this is me asking you questions, Mr. Marcotte.

"But you would have made it clear to Judge Porteous you didn't tell the FBI the full extent of his drinking?"

And your answer was: "Yes, yes."

It also says, and I'm referring to the FBI report too, he has no knowledge of the candidate's financial situation. "Did you tell Judge Porteous that they had asked about his financial situation?"

And your answer was, "right. I would have

told them I don't know anything about his financial situation at that time."

Is that your recollection?

A. Yes, sir.

Q. And it asks you: "It also says he's not aware of anything in the witness' background that might be the basis of attempted influence, pressure, coercion or compromise, or that would impact negatively on the candidate's character, reputation, judgment or discretion. Did you tell Judge Porteous they had asked you that question, Mr. Marcotte?

"Yes, I did."

A. Yes.

Q. "And did you tell him that you told the FBI you weren't aware of anything in his background that might be the basis of attempted influence, pressure, coercion, or compromise or that would impact negatively on his character, reputation, judgment or discretion?"

Mr. Marcotte: "Yes, I did."

A. Yes.

Q. So you didn't tell the FBI then about the car repairs and the home repairs and the drinking or any of that?

A. No, I did not.

Q. And you understood, didn't you, Mr. Marcotte, that these were things that would affect the candidate's character, reputation, judgment and discretion, didn't you?

A. Yes, I did, and also lying to the FBI agents would cause me problems.

Q. Because it would expose your relationship with this judge and maybe others as well?

A. Well, just lying to the FBI about, you know, him not -- me not knowing about the cars and his financial situation and his drinking. I just wanted to see him get confirmed, because, again, he was good to me on the bench when he was there, and that's what he wanted.

Am I answering the question?

I'm really not good -- I'm good close to someone, but when I get too much distance --

Q. Do you want me to sit closer to you?

A. Yes, if you could.

MR. TURLEY: I could switch with you.

MR. SCHIFF: Do you mind?

MR. TURLEY: Of course. No problem.

THE WITNESS: That's why I'm having a little more harder time with you, because you're not close to me. I'm sorry.

BY CONGRESSMAN SCHIFF:

Q. You understood, Mr. Marcotte, didn't you, that if you had been honest with the FBI about his drinking, it might have negatively affected his confirmation?

A. Yes, sir.

Q. And you understood if you told the FBI that you had done these car repairs and home repairs and other favors for Judge Porteous, that would have negatively affected his confirmation?

A. Yes, it would have. And then if I had told them all that and he wouldn't have got his judgeship, then he wouldn't have been worth a damn to me on the State bench because I killed his appointment, something that his dream.

Q. So this would have been a major adverse consequence to your business if he didn't get confirmed and stayed on the State bench?

A. Yes, and all the judges in Jefferson would say I bashed Porteous so he couldn't get his -- and then him coming back to the bench, and I would have had the whole bench -- it would have destroyed me as far as the bonds.

Q. I wanted to follow up. After Judge Porteous was on the Federal bench, could you, if you

had to, use this information about your relationship with Judge Porteous to leverage a favor from him on the Federal bench? Could you have said to him, Judge, if you don't do this for me, I can go public with our relationship?

A. I would never do that, you know. But I would, again, ask him to do something for me, like try to get him where they set the bonds, you know, favorable to bail bondsmen in Federal court, you know, something like that. Or, you know -- but I would never, you know, extort him in any kind of way.

Q. You wouldn't extort him but you did have information that could potentially embarrass him to use his leverage on him?

A. But I would have never leaned on him that kind of way. I would do without before I would have leaned on him in that kind of way.

Q. Now, you did go to him on the Federal bench to try to ask him to intercede with a case that you were involved with that involved a no compete clause, right?

A. Yes, I did.

Q. And you asked him to help you with another judge in connection with that no compete clause?

A. Right. And I figured Greg Guidry was on

the Federal bench and he was on the Federal bench and you know, they probably ran across one another, or you know, maybe went to lunch with one another, were maybe kind of close.

And would he -- he was a DA, not a judge, Greg Guidry, in the Federal court before he came over to the State bench. So I figured that they had crossed paths and he knew him, and that, you know, with a Federal judge calling a State judge and say, look at this non-compete really close, I think it's ironclad, you know, would you take a strong look at? You know, would be beneficial to the Marcottes.

Q. And you felt you could make that request of Judge Porteous while he was on the Federal bench because of the relationship you had with him, correct?

A. Yes. Through the years, yes.

Q. But for all the lunches and the drinks and the car repairs and the fence repairs, would you have felt comfortable in going to a Federal judge to ask him to intercede with a State judge on a pending case?

A. If it wasn't Porteous or someone else on that bench?

Q. Correct.

A. No.

Q. I think you also said in answer to one of Mr. Turley's questions that you wanted to repay him, meaning Mr. Porteous, for what he had done for me, during the FBI interview?

A. Right.

Q. You felt grateful for all the bond business he helped you with?

A. Yes, I did.

Q. And I think you also said --

A. And not just grateful for the bond business that he did, the doors that he opened for me. Because as a bondsman, you know, no one is going to open -- I could have never opened all the doors that he did for me, you know, and the life of my bail bond business.

Q. So when he would agree to have lunch with you and with another judge, that was a real opening for you to that other judge?

A. Yes.

Q. I think you said in connection with the FBI interview that not only did you want to repay him for what he had done for you but you would have said just about anything, and Porteous -- you would have said just about anything?

A. Anything to benefit him.

Q. And did Porteous know that?

A. I think he knew that.

Q. Do you believe that's why you think he referred the FBI to talk to you?

A. Yes.

Q. He wouldn't have sent them to you if he thought you were going to --

A. Anything negative, he wouldn't have.

Q. Mr. Turley also asked you about court overcrowding and mandatory release. When you asked Judge Porteous to split a bond for you or reduce a bond for you, was he doing this, in your view, because you were asking him?

A. I would say yes, he was doing it because I was asking him; because, you know, a judge doesn't get anything personally, any gains for doing all those bonds for himself. You know, he -- what would he get out of it? He puts himself at risk that if somebody gets out and kills someone, his name is going to be in the paper and he has to run with a murder connected to his name. I mean, it happens all the time.

Q. Mr. Marcotte, on those tough cases where you would have to go back to him and go back to him

and as you put it, he would cave and would grant the bond reduction or what you were asking, I take it he took those actions because you wore him down, not because he was trying to help the court situation in terms of mandatory release?

A. Because I wore him down. In a perfect world, with a judge not asking for anything and a bail bondsman calling him to reduce bonds because they're going to get out of jail free, then that would be the right thing for all the judges to do, to take nothing and do them and protect the public because someone is there to hunt them.

But to expect something for doing it is -- is -- you know -- is really not what the criminal justice system is made out of.

Q. Judge Porteous knew your business well enough to know that when he would split a bond so that you would be able to do the bond, that made you money, right?

A. Right.

Q. And he knew your business well enough to know that if he reduced the bond to the point you asked --

A. It would maximize the profits. I'm sorry.

Q. Okay -- it was going to maximize the .

profits for you?

A. Right.

Q. Now, some of the judges were not available to you and wouldn't accede to your bond requests, isn't that right?

A. Yes, a few would say, go get a lawyer, you know, a few.

Q. And the judges that didn't help you, I take it you didn't lavish them with repairs or lunches?

A. No, I did not.

Q. In the beginning on the car repairs, I think you stated that you may have volunteered to help with Judge Porteous' car but after that, Rhonda, his secretary, would call you and tell you --

A. Say, hey, Porteous's car is broken, hey, come get the key, you know, this is wrong, that's wrong. Or if we were at lunch and it wasn't a major issue where it was broken and sitting at the house or it's got a little knock in the engine or something, then he would ask at lunch, hey, my car is starting to sound bad, take care of it.

Q. You mentioned two employees of yours that you needed their convictions expunged to continue working for you. Can you tell me their names really

quickly?

A. It's Aubrey Wallace and Jeffrey Duhon.

Q. And Judge Porteous went and expunged both of those convictions even though one of them wasn't in his department?

A. In his section.

Q. Is that right?

A. Yes, sir.

Q. Were those two of the gentlemen that you had work on the repairs for Judge Porteous?

A. Yes, they were.

Q. One other item to clarify. I think you were talking about Adam Barnett. You made reference to earning \$2,000 on a bond, paying the commission and then dividing up money from those proceeds of the bond to pay for a car repair?

A. Yes.

Q. So did the money for that car repair actually come from the bond that was --

A. In some cases, yes.

MR. SCHIFF: I think my colleague had some final sort of housekeeping questions.

MR. DUBESTER: I do. Thank you very much, Mr. Schiff.

MR. SCHIFF: Senator, would you mind if I

turn it over to my colleague here?

SENATOR HATCH: Sure.

EXAMINATION BY COUNSEL FOR HOUSE

IMPEACHMENT TASK FORCE

BY MR. DUBESTER:

Q. I'm flattered by the term colleague but I'll accept it. Mr. Marcotte, we're running very close on time. I'm going to ask you some questions. Most of them, you try to be helpful by explaining. Some of these aren't going to call for explanations. If you can answer yes or no, I think we might be able to move along.

First of all, Mr. Turley showed you that news article from September of '93 about Barnett, correct?

A. Yes.

Q. You're not saying -- and I take it that this was a significant event in terms of Judge Porteous having a negative feeling towards Barnett, is that correct?

A. Yes, that's correct.

Q. You're not saying that that was the only trigger which caused him to use you, is that correct?

A. It was a series of triggers.

Q. Right. And some of them could have been

before, some of them could have been after?

A. Yes.

Q. But this was one?

A. This was one.

Q. Second, you were asked a laundry list of people that you gave shrimp to. Did you give shrimp to Porteous?

A. Yes, I did.

Q. You were asked about a lot of people who you also took to lunch. Is it fair to say that Judge Porteous -- strike that.

Who among all the people, when Judge Porteous was a judge, did you take to lunch more than any other judge on the bench there?

A. Porteous.

Q. Is there any question in your mind about that?

A. No question in my mind.

Q. And some of these other judges you took to lunch, it was because you were taking Judge Porteous to lunch and he would bring these other judges with him, correct?

A. Right.

Q. And it was important to you -- why was it so good to you to have Judge Porteous bring all these

other judges with him?

A. Again, like I said, he brought strength to the table.

Q. And so you're a bail bondsman, you're perceived by many as in an unsavory business, you've got a high school education, you were a janitor at one point and you're sitting there with Judge Porteous, king of the court there. Is that helpful to you?

A. Yes, it is.

Q. And it's helpful with all those other judges who see you close to Judge Porteous?

A. Yes.

Q. Now, if you're paying \$20 -- if you're paying five people are there \$100 and Judge Porteous is there, in your mind, are you paying \$20 for Judge Porteous's lunch or is that \$100 in your mind that's going to Judge Porteous?

A. \$100.

Q. Why is that?

A. Because I need him to groom everyone.

Q. Right. And it lets him be king of the table, it lets him repay his friends, it lets him be a big shot --

MR. TURLEY: I'm going to object. This is

now just stating the testimony for the witness. I haven't objected once but this is getting a little too far.

SENATOR HATCH: We'll permit the questions. I do think the objection has some merit.

MR. DUBESTER: Fair enough.

SENATOR HATCH: But you should be able to pursue what you want to.

BY MR. DUBESTER:

Q. Okay did you in your own mind perceive that by Judge Porteous bring his own friends where you were showering these --

A. Gifts.

Q. -- decent lunches, that you were also indirectly helping Judge Porteous by doing that?

A. Yes.

Q. And were there people that you saw coming to lunch at Judge Porteous' invitation that you personally would not have even cared about?

A. Right, there was.

SENATOR HATCH: Counsel, I haven't barred you from asking leading questions. You have every right to do that.

MR. DUBESTER: Okay, thanks, Senator.

BY MR. DUBESTER:

Q. Now, you were asked if there was a lot of drinking going on in lunches but of course that covers a whole range. Have you ever seen anybody drink as much as Judge Porteous at these lunches?

A. No.

Q. You were interviewed twice as part of the FBI background check, is that correct?

A. Yes.

Q. In your mind, are those distinct events or do you actually keep them separate in your mind or do you just know you were interviewed?

A. I knew I was interviewed.

SENATOR HATCH: Counsel, you have about five minutes left.

MR. DUBESTER: Understood.

BY MR. DUBESTER:

Q. Whether or not you have one interview or two interviews, is there any question that after the interview, you told Judge Porteous what the contents of the interview was?

A. I told him.

Q. Okay. You indicated -- there was a couple of questions of did you ever go to the judges because the magistrate was not available. Do you remember those questions?

A. Yes.

Q. But is there another reason that you wanted to avoid the magistrate?

A. Because they wouldn't do the bonds.

Q. So if you thought you could do better with Judge Porteous than the magistrate, was that the reason you went --

A. That was the reason I went to Porteous.

Q. It wasn't just because the magistrate was not available?

A. It wasn't.

Q. There were some questions about Ms. Danos, Judge Porteous' secretary, calling the jail. Do you recall those questions?

A. Yes.

Q. So she played an integral part of the system where Judge Porteous would set bond?

A. Yes, the gatekeeper.

Q. Now, did you also do things to help keep Ms. Danos happy?

A. Absolutely, whatever she wanted.

Q. So you took her to lunch?

A. Took her to lunch, took her to Vegas. Not me but my sister probably five times. Groomed her, took her out, whatever.

Q. There were some questions about whether the DA ever objected to bonds. Do you recall those questions?

A. Did they ever object?

Q. Yes.

A. Sometimes.

Q. But most of the time the DA was not part of this process, was he? In other words, you would go right to the judge?

A. Only on the big drug cases, he was part of the process. Other than that, he wasn't.

Q. Fair enough.

A. Big drug cases.

Q. And then there is a question about whether you volunteered or whether you were asked. Volunteer is actually sort of a conclusion describing the relationship.

If Judge Porteous said, my car is broken, and you said, I'll take care of it, do you consider that an ask or do you consider that a volunteer?

A. A volunteer and an ask. It's both.

Q. There you go. Now, finally, you indicated that you didn't really even feel or understand that you just couldn't give all these things to the sitting judges of the court there. Was that your

testimony?

A. Yes.

Q. So because Judge Porteous, he never told you, I can't take your car repairs, Louis, I'm signing bonds for you. Did he ever tell you that?

A. No.

Q. Did he ever say, you can't repair my fence --

A. No.

Q. He didn't say, you can't pay for me for Las Vegas because I'm signing bonds for you?

A. No.

Q. So the judge, the highest judicial officer in Jefferson Parish, is taking things from you. Does that give you some sense that it must be okay to give them?

A. Yes, it did.

Q. But let me make sure I understand it. The judges who are taking these things from you -- strike that.

You went to jail because you gave these things to judges, correct?

A. Yes.

Q. But just to be clear --

A. And lost everything, 6 million.

Q. And we're here because Judge Porteous still is a Federal judge?

A. Yes, sir.

Q. Even though he took those things from you, correct?

A. Yes.

Q. Now, I have one more question here. In 2004, after you pleaded guilty, you agreed to cooperate with law enforcement, correct?

A. Yes.

Q. And the FBI interviewed you a bunch of times, right?

A. Yes.

Q. You probably know the names of the agents off the top of your hand?

A. I'll tell you what, I'm not that good with names.

Q. And at that time, in 2004, did you ever, in the slightest -- your wildest dreams think that you were going to actually be called as a witness in an impeachment trial?

A. Never.

Q. So when you were saying things back then, you had no idea that in 2010, six years later, somebody was going to cover the same ground with you,

did you?

A. I had no idea.

Q. I want to ask you about one statement that you made at the time in October 15th, 2004. I'm just going to read you the statement and ask if it's true, okay?

A. Okay.

Q. This is just what the FBI said that you said, so they could have made a mistake when they wrote it up. But listen to this paragraph and say today whether it's still a true statement.

And this is a statement that is recorded that you made October 14th, 2004.

Quote: "Porteous waited until the last days of his term as a 24th judicial district court judge to expunge Aubrey Wallace's criminal record. Porteous did not want the fact that he expunged Wallace's record to be exposed in the media or discovered in his background investigation for the Federal judicial appointment. Porteous told Marcotte he, Porteous, would act on Wallace's expungement after he was appointed to the Federal judicial bench. Porteous told Marcotte he was not going to risk a lifetime judicial appointment for Wallace."

Is that a true statement?

A. That's a true statement.

Q. Okay. So when Mr. Turley asked if you had conversations with this lawyer who was involved, you had direct conversations with Judge Porteous about setting aside Wallace's conviction, is that right?

A. Yes, I did.

Q. And he said in substance, I'm going to hide that from the Senate because I don't want that to be known before they confirm me?

Isn't that what he said in substance?

A. Not in exactly those words but that's what he meant.

MR. DUBESTER: Thank you. I have no other questions.

SENATOR HATCH: I appreciate the cooperation of everybody involved.

(Whereupon, at 12:09 p.m., the taking of the instant deposition ceased.)